16 April 2019

Dear Sir/Madam

RESOURCE CONSENT APPLICATION – ADVICE OF DECISION

Application Number:	DIS60069613
Applicant:	Auckland Council Healthy Waters Unit
Proposed Activity:	Auckland Council seek a network discharge consent for the diversion and discharge consent for all of the existing and future stormwater discharge from the public network.
Site Address:	Auckland Region-Wide network

The above application was heard by Auckland Council Hearing Commissioners on 20th November 2018. After consideration of the processing officers' report and the evidence of the applicant and submitters, the commissioners have resolved that this application be **granted with conditions**

For your reference a copy of the decision of the Hearing Commissioners is attached, and will be forwarded to every person who made a submission. It outlines the basis for the decision and any associated conditions. A copy of the decision will be uploaded on the Council website under 'Meetings and Agendas - Hearings'.

If you are the applicant or a submitter, and you disagree with the decision, or parts of it, you can file an appeal with the Environment Court within 15 working days of receiving this decision.

The applicant and/or any submitter may appeal the council decision under section 120 of the Resource Management Act 1991. If an appeal is lodged, any person who made a submission on the application may become a party to the proceedings by lodging a notice under section 274 of the Resource Management Act 1991. The information on objections and appeals in this letter is provided as a guide only and does not constitute legal advice. Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court.

A copy of the appeal must be served on the council (Private Bag 92300, Auckland 1142) within 15 working days of the receipt of the decision and on all submitters within 5 working days of lodging the appeal with the Environment Court. Information on the appeal process can be found on the Environment Court websitewww.justice.govt.nz/courts/environment-court.

Pursuant to section 116 of the Resource Management Act 1991, this consent will not commence until any appeals or objections are withdrawn or decided.

If you have any queries, please contact Quentin Budd at Quentin.Budd@aucklandcouncil.govt.nz and quote the application number above.

Yours sincerely

Shirin Rahman Whipp
Regulatory Support Officer
RESOURCE CONSENTING AND COMPLIANCE, CENTRAL 2

Decision following the hearing of an application for resource consent under the Resource Management Act 1991

Proposal

The application seeks resource consent for the diversion of stormwater from both the existing and future urban land uses within the Rural Urban Boundary (RUB), coastal and rural settlements, and urban-zoned land outside of these areas (collectively called the 'urban area') that enters or will enter the Council's stormwater network; and

the discharges of stormwater from the Council's stormwater network to land, rivers/streams, lakes, groundwater aquifers and the Coastal Marine Area (CMA), overland flow, and discharge of stormwater to the environment.

These consents are **GRANTED**. The reasons are set out below.

Application number:	DIS60069613
Site address:	This application applies to the entire public stormwater network and impacted land and the CMA at stormwater discharge points throughout the Auckland region
Applicant:	Auckland Council Healthy Waters Unit
Hearing commenced:	Tuesday 20 November 2018, 9.30am
Hearing panel:	Les Simmons (Chairperson) Shona Myers Sheena Tepania
Appearances:	For the Applicant: Gerald Lanning, Legal (Simpson Grierson) Ian Mayhew, Principal Planning and Policy Consultant Katja Huls, Principal Planner Allan Leahy, Stormwater Engineer Andrew Chin, Auckland Waters Programme Manager Craig McIlroy, Corporate Gregory Akehurst, Economics Kris Fordham, Environmental Scientist Martin Neale, Environmental Scientist Nick Vigar, Safeswim Programme Manager Shaun Jones, Principal Engineer and Catchment Planner For the Local Boards: Greg Presland, Chair Waitakere Local Board For the Submitters: Robert Culver Western Bays Community Group Bryan Bates (Chairperson)

	NZ Steel Marcus Cameron (Science/ Technical) Andrea Rickard (Planning) Springleigh Residents Association Hiltrud Gruger Richard Lane St Lukes Environmental Society Elizabeth Walker Friends of Oakley Creek Wendy John Philip La Roche Business North Harbour Greater East Tamaki Business Association Wiri Business Association Dr Grant Hewison (Legal) Tamaki Estuary Environmental Forum Julie Chambers (Co-Chair) Jim Sinclair (Otara Waterways & Lakes Trust) Ngati Tamaoho Lucie Rutherfurd CDL Land NZ Limited Mark and Natascha Hurt (as trustees of 32 Church Street Trust) and 228 Point Wells Limited Kiwi Property Group Limited and Kiwi Property Holdings Limited The National Trading Company of NZ Limited Douglas Allan (Legal – Ellis Gould) Kay Panther-Knight (Planning) Manikum Enterprises Ltd Andrew Braggins (Legal) Burnette O'Connor (Planning) A and J Family Trust Andrew Braggins (Legal)

	Mana Whenua Kaitiaki Forum Tame Te Rangi Oil Companies Rob Enright (Legal) David le Marquand (Planning) Paul Kennedy (Water Quality) Royal Forest and Bird Protection Society of New Zealand Inc. Peter Anderson (General Counsel) Karaka & Drury Consultants McKenzie & Co Murphys Park LP CivilPlan Consultants Ltd Rock Solid Holdings Ltd Hugh Green Ltd Karaka Harbourside Estate Ltd Land Solutions Ltd Oyster Capital Ltd Emma Bayly (Planning) Renee Fraser-Smith (Planning) North Eastern Investments Limited Johnny Farquhar (Legal) Amanda Coats (Planning) Ross Thurlow (Engineer) Stop Auckland Sewage Overflows Coalition Herne Bay Residents Association Manukau Harbour Restoration Society Dirk Hudig David Abbott Housing New Zealand Corporation HLC Limited Tamaki Regeneration Co Limited Dr Claire Kirman (Legal) Matt Lindenburg (Planning) Roger Seyb (Stormwater) Empire Capital Limited David Boersen (Development Manager)

	Phil Jaggard (Stormwater) <u>For Council:</u> Quentin Budd, Principal Projects Lead John Duthie, Reporting Planner Michael Parsonson, Reporting Planner Larissa Rew, Hearings Advisor
Hearing adjourned	Monday 26 November 2018
Hearing reconvened	Tuesday 12 February 2019
Commissioners' site visit	No site visits were undertaken
Hearing Closed:	Tuesday 12 February 2019

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Les Simmons, Shona Myers and Sheena Tepania, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").

2. This decision contains the findings from our deliberations on the application for resource consent and has been prepared in accordance with section 113 of the RMA.

3. The application was publicly notified through a series of publications between late January and mid-February 2018. Notification was at the request of the applicant. The applicant had also sought a declaratory judgment from the Environment Court on the appropriate notification process. The issue before the Court was the extent to which particular parties should be notified, as part of the public notification process. The extended notification dates reflected the Environment Court's declaratory decision [2017] NZEnvC 207, dated 15 December 2015. A total of 93 submissions were received, with 10 in support, 10 in support from Local Boards, 11 neutral and 62 in opposition.

Summary of proposal and activity status

4. In the Executive Summary to the section 42A report, from page 9 of the hearing agenda, the proposal is summarised as set out below.

5. *"Auckland Council seeks a network discharge consent for the diversion and discharge consent for all of the existing and future stormwater discharge from the public network.*

   The application is for both the diversion of stormwater through the public stormwater network and overland flow, and the discharge of stormwater to the

environment (land, rivers / streams, lakes, groundwater aquifers and the Coastal Marine Area). The application covers both existing serviced urban and rural / coastal townships, and future urban areas and townships that are to be serviced by the public stormwater network. The application does not incorporate stormwater discharges from impervious areas / sites that do not enter the public stormwater network. Nor does the application cover discharges from the combined sewer system. Those discharges are authorised by a separate, existing resource consent administered by Watercare Services Limited.

The Auckland Council, through its Healthy Waters Department, manages the public stormwater network across the Auckland region. This network is extensive, comprising more than 6,000 kilometres of pipelines, several thousand outfalls and more than 900 stormwater treatment facilities. The network discharges to streams; coastal environments, including harbours, estuaries and open coastal water; and shallow groundwater systems in some parts of the region.

This application seeks a consent duration of 35 years for existing and future stormwater diversions and discharges associated with the public network, reflecting the extent, value and essential function of the public stormwater network. This includes all existing diversion / discharges; new or modified diversion / discharges as a result of the upgrading of the stormwater network, future diversion / discharges resulting from the extension of the public network to service intensification and green field growth. The latter includes privately developed stormwater networks which meet the conditions of the network discharge consent and Auckland Council standards and are subsequently vested in the Council.

Auckland's public stormwater network is extensive and complex and the nature, performance and adverse effects of the network vary across Auckland. This application includes:

(a) The management of assets and the ability for the Council to develop, operate and maintain the stormwater infrastructure

(b) The effects of growth, and the ability of the stormwater network to be upgraded and expanded to cater for Auckland's growth while managing the adverse effects on the environment from increased stormwater

(c) Existing and potential future adverse effects including:

i. Flooding effects, including impacts on property and how stormwater is directed through overland flow paths.

ii. The effects on stream health from stormwater flow including stream erosion and water and sediment quality.

iii. Effects on the coast primarily related to the accumulation of contaminants carried in the stormwater system, and the impact on the marine ecosystems.

iv. Effects on groundwater from stormwater entering and recharging aquifers.

The application seeks approval for a process for managing the diversion and discharge of stormwater, based on a proposed best practicable option for identifying, prioritising and managing stormwater effects from existing and new stormwater networks. The best practicable option comprises identified key stormwater management issues, strategic objectives, outcomes and six-yearly targets, performance standards and other actions. Importantly, the best practicable option does not only relate to the stormwater network itself, but also provisions in the Auckland Unitary Plan and connection / vesting requirements to assist in managing stormwater from its generation through to its discharge.

The application expresses a commitment by Council to progressively upgrade the stormwater network and reduce existing adverse effects over time. However, it also recognises that this needs to occur alongside the provision of stormwater infrastructure to support urban growth, minimise contaminant loads and manage increasing stormwater volumes, and the funding prioritisation that the Council must undertake in its financial planning processes.

This consent will supersede all existing stormwater network discharge consents held by Auckland Council although certain particular provisions of those consents will be carried over into this global consent.

The application is unusual in that not only does it authorise existing discharges, but it sets up the process for prioritised development and upgrading of the public stormwater network.

The management of stormwater in terms of water quality, hydrology and the management of erosion caused by stormwater discharges associated with stormwater is a key environmental issue and a cultural issue for mana whenua.

This consent excludes stormwater that, for whatever reason, enters and discharges through the wastewater network. It excludes discharges from the combined system (where wastewater and stormwater utilises the same pipe). It also excludes stormwater discharges from wholly private networks and from roading where stormwater discharges do not enter the public stormwater network."

6. Resource consents are needed for the following reasons.

Stormwater permits (ss14 & 15) – DIS60069613

Auckland Unitary Plan: Operative in Part

- The application seeks consent for:
- the diversion of stormwater from both existing and future urban land uses within the RUB, coastal and rural settlements, and urban-zoned land outside these areas (collectively referenced as the 'urban area') that enters or will enter the Council's stormwater network. This includes stormwater from Auckland Transport and New Zealand Transport Agency state highway road networks that enters the Council's stormwater network.
- Discharges of stormwater from the Council's stormwater network within the RUB and coastal and rural settlements to land, rivers / streams, lakes, groundwater aquifers and the Coastal Marine Area
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- Pursuant to Chapter E8: Rule 11 of the AUP: OP, the diversion and discharge of stormwater from an existing or new stormwater network is a **discretionary activity**

7. Overall the proposal has been considered as a discretionary activity.

Procedural matters

8. The hearing commenced on Tuesday 20 November 2018 and was adjourned after five days on Monday 26 November 2018 after we had heard from the applicant and submitters. The adjournment was to enable the reporting team, Mr Duthie and Mr Parsonson, time to obtain legal advice in response to the legal submissions presented on behalf of submitters. The adjournment was to also enable them time to fully consider all the evidence that had been presented before they provided a written response, updating their recommendations to us. Their written response was agreed to be circulated to the applicant, to enable the applicant to also circulate a written Reply, prior to the hearing reconvening.

9. We received the written response from the reporting team, together with a copy of legal advice that had been provided to the Council from DLA Piper, on Wednesday 23 January 2019. This information was made available to the applicant and submitters. We received a written reply on behalf of the applicant, together with rebuttal evidence from Mr Mayhew and Mr Jones on Monday 4 February 2019. The Reply was made available to the reporting team and submitters.

10. The hearing reconvened on Tuesday 12 February 2019.

11. Following the adjournment of the hearing on 26 November 2018, we were advised that the Council had publicly notified four proposed plan changes (PC 14-PC 17 inclusive). By way of an Addendum to their section 42A report, dated 10 December 2018, Mr Duthie and Mr Parsonson advised that PC 16 and PC 17 were not relevant to the application under consideration. PC 14, which had immediate legal effect, and PC 15 were relevant and after identifying the relevant aspects they concluded that the most relevant change reinforces the interpretation of a permitted activity standard that had been adopted by the parties to this application. All parties were given the opportunity to provide further written submissions on the impact of the proposed plan changes. No party provided a contrary view to the one expressed by the reporting team and the matter was not raised by any party at the reconvened hearing.

Relevant statutory provisions considered

12. In accordance with section 104 of the RMA, we have had regard to the relevant statutory provisions including the relevant sections of Part 2 and sections 104, 104B, 105, 107, 108 and 108AA.

Relevant standards, policy statements and plan provisions considered

13. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statements and plan provisions of the following documents.

- Waitakere Ranges Heritage Area Act 2008
- Hauraki Gulf Marine Park Act 2000
- The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- New Zealand Coastal Policy Statement 2010
- National Environmental Standard for Sources of Human Drinking Water 2008
- National Policy Statement for Freshwater Management 2014
- National Policy Statement for Urban Development 2016
- Auckland Unitary Plan: Operative in Part
- Plan Change 14 to the AUP: OP

14. We also considered the following other matters to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

- Auckland Plan 2050

Local Board comments

15. During the submission period, comments were received from 10 Local Boards including:

- Albert-Eden Local Board
- Franklin Local Board
- Henderson-Massey Local Board
- Māngere-Ōtāhuhu Local Board
- Manurewa Local Board
- Ōrākei Local Board
- Puketāpapa Local Board
- Waiheke Local Board
- Waitākere Ranges Local Board
- Whau Local Board

Each of the Local Boards sought that the application be approved, or be approved subject to the recommendations of the Local Board. The comments, which we have taken into account, included:

- support for outcomes of the consent that help contribute to a high standard of water quality
- that the harbour and coastline is clean, improved and protected
- support all outcomes of the application that result in improvement in quality of stormwater discharge and the overall reduction of contaminants through environmentally sensitive designs
- that solutions need to both facilitate development and provide for high quality stormwater discharges while being financially viable
- that the consent allows for improved practices should technology improve over the 35-year lifespan of the consent
- that monitoring of the consent is sufficient and timely (3-yearly) to ensure that consent conditions are being complied with
- that the consent is reviewed every 10-years.

Summary of evidence heard

16. The Council's section 42A report was circulated prior to the hearing and taken as read. The reporting planners, Mr Duthie and Mr Parsonson, had recommended the grant of consent subject to the conditions identified in their report. During the hearing process,

particularly in response to issues raised by submitters and the legal opinion provided to the Resource Consents Department, they modified their recommended conditions of consent.

17. In their written response dated 23 January 2019 the reporting planners recommended consent be granted subject to the modified recommended conditions attached to that document. Significantly, the modified conditions included agreements that had been reached with many submitters as to the specific wording of conditions. While there was not agreement on all matters raised by submitters, we commend the approach taken by the reporting planners, the applicant and submitters during the hearing process. Where submitters had sought that consent be granted subject to conditions, and as all the expert evidence had been pre circulated, we asked the parties if their allocated hearing time would be better spent conferencing and attempting to reach agreement on the wording of the recommended conditions. Many agreed and the outcome was that we were presented with agreed wording that overcomes many of the specific concerns raised by those submitters that were represented, either by Counsel, or expert witnesses.

18. Also it was significant that by the end of the hearing there was considerable agreement between the reporting planners and the applicant as to the wording of the recommended conditions.

19. The evidence presented at the hearing responded to the issues and concerns identified in the section 42A report, the application itself and the submissions made on the application.

20. The evidence presented by the applicant at the hearing is summarised below.

Mr Craig McIlroy, General Manager of Healthy Waters, provided an overview of the application, described the role of Healthy Waters, the vision Healthy Waters has in relation to the management of stormwater in Auckland and the role of the Network Discharge Consent (NDC) in achieving that vision.

Mr Andrew Chin, Auckland Waters Programme Manager and Head of the Strategy and resilience Team in Healthy Waters, described the structure and functions of Healthy Waters with respect to stormwater management, including stormwater management planning and growth, the funding and prioritisation of stormwater management, the development of the Auckland Water Strategy, the relationship with Watercare and the combined sewer network and the Council's proposed implementation of the National Policy Statement for Freshwater Management (NPSFM).

Ms Katja Huls, Principal Planner, described her previous role as Acting Healthy Waters Resource Management Team Leader related to the NDC application, the legacy stormwater discharge consents, the approach to stormwater management under the NDC, the implementation process in relation to the approval of connections and vested assets and the proposed surrendering process of current discharge consents.

Mr Allan Leahy, Principal Technical Specialist in Stormwater Management, described the stormwater systems and management, the urban runoff mitigation options, the current

stormwater management issues in relation to flooding, contaminants and hydrology, together with the best practicable option (BPO) approach adopted within the NDC.

Dr Martin Neal, Environmental Scientist, described the adverse effects related to stormwater, including contaminants, changes in flow regimes, stream modification, urban stream syndrome, impervious surface and the management of stormwater effects.

Mr Greg Akehurst, described the importance/value of the public stormwater network, the environmental, economic, social and cultural values associated with freshwater, the consenting and implementation efficiencies that would arise from the NDC.

Mr Kris Fordham, Senior Environmental Scientist, described the monitoring requirements to be undertaken, the proposed monitoring strategy, the key monitoring elements, the integrated nature of the proposed monitoring and the proposed wording of the monitoring condition.

Mr Nicholas Vigar, the Safeswim Programme Manager in Healthy Waters, described the nature and causes of public health risk from stormwater discharges, an overview of the Safeswim programme and the Safe Networks programme.

Mr Shaun Jones, Principal Development Planner at Healthy Waters, described the appropriateness of the Schedule 4 framework within which water quality, hydrology, flooding and network capacity is evaluated and designed, the management of large scale redevelopment in regard to infrastructure requirements, the process for best practice in greenfields and infrastructure funding agreements. In his rebuttal evidence dated 13 November 2018 he responded to the evidence of Mr Roger Seyb, Ms Emma Bayly and Ms Renee Fraser-Smith. In his supplementary evidence dated 4 February 2019 he supported the rewording of Objective 2.6 in Schedule 2 that a guidance or practice note be developed that would detail how the Stormwater Code of practice should be applied in brownfield areas.

Mr Ian Mayhew, Principal Planning and Policy Consultant, provided written evidence in chief dated 18 October 2018, rebuttal evidence dated 13 November 2018, his summary statement of evidence dated 20 November 2018 and supplementary evidence dated 4 February 2019. His evidence was comprehensive and included the specific amendments he recommended to the conditions of consent being proposed. In summary his combined evidence described his involvement in the NDC application, a high level overview of the NDC application, key aspects of the NDC, the relevant statutory directives, the strategic direction provided by the Auckland Plan, an overview of the structure and content of the consent conditions, an assessment against the relevant statutory instruments, an assessment of the submissions and comments on the section 42A report.

21. With respect to all of the evidence presented on behalf of the applicant, each witness supported the grant of consent, subject to conditions recommended in the evidence of Mr Mayhew. The final version of those conditions was presented to us as part of the Reply at the reconvened hearing on 12 February 2019.

22. The evidence presented by the submitters is summarised and discussed as follows. Due to the large numbers of submitters and the volume of evidence we received we have grouped submitters under the headings we have used for our main findings on the principal issues in contention. While all submitters may not be specifically identified, the intention is to focus on the principal issues that remained in contention at the end of the hearing process. The most relevant aspects of the evidence presented by submitters are therefore set out under our heading, "Main findings on the principal issues in contention."

23. In reaching or findings we have taken into account all of the evidence and submissions presented at the hearing, even if we have not specifically identified individual submitters. We have also taken into account the written submissions of those submitters who did not attend the hearing.

24. The applicant's right of reply was presented in writing by Mr Lanning at the reconvened hearing on 12 February 2019 and addressed the following matters that were raised in the course of the hearing under the following headings:

    (a) Supporting submitters and evidence.

    (b) Effect of the NDC on other activities.

    (c) SMP's and 'delegation.'

    (d) Oversight of the consent holder.

    (e) CDL Land Limited and others.

    (f) Housing NZ/HLC/TRC.

    (g) Oils companies.

    (h) Springleigh Residents Association.

    (i) Other issues raised.

25. Based on the supporting evidence of Mr Mayhew and Mr Jones, Mr Lanning submitted that consent should be granted, subject to the final version of the recommended conditions attached to Mr Mayhew's supplementary evidence dated 4 February 2019.

Principal issues in contention

26. After analysis of the application and evidence (including proposed mitigation measures), reviewing the Council's section 42A report, reviewing the submissions and concluding the hearing process, considering the legal advice dated 23 January 2019, the response of the reporting team after hearing all the evidence presented, together with the Reply dated 4 February 2019, the proposed activity raises a number of issues for consideration. The principal issues in contention are listed below, generally using the headings identified in the reporting planners' written response dated 23 January 2019.

27. In reaching the list of the principal issues in contention we have taken into account that by the end of the hearing many of the initial concerns that had been raised were settled by way of agreed wording of conditions. Those matters that were agreed between the parties, have been included by way of the conditions of consent that we have imposed and are therefore are no longer in contention.

28. It is also relevant to acknowledge that there was considerable agreement between the stormwater experts who presented evidence. In general terms the "science" behind stormwater management is well understood and was not in contention. The Best Practicable Option, BPO approach, Stormwater Management Plans, SMPs, the recently adopted stormwater management provisions of the AUP: OP, the relationship to the Council's Stormwater Bylaw and the Stormwater Code of Practice were not the principal issues that were in contention with respect to the NDC application. The focus of the matters that were in contention was the process that was proposed by Healthy Waters. Many submitters were concerned that the NDC should not duplicate existing consenting processes. Others, particularly community groups and concerned individuals wanted to have the opportunity to participate in any consenting process that involved stormwater management in their community.

29. Accordingly the principal issues that remained in contention are:

- The Lawfulness of any consent. (Permitted diversions, hydrology mitigation, scope concerns in relation to the existing and future network, delegations).
- Potential future discharges into significant ecological areas.
- Mana whenua engagement.
- The proposed Technical Reference Group. (Its role and membership).
- Community Liaison Group involvement.
- SMP approval and adoption. (Limiting the scope of SMPs and Schedule 8).
- The term of consent.
- Surrendering and transferring/rollover of existing SMPs, ICMPs and NDCs.
- Triennial and six yearly reviews. (Alignment to the LTP and parties to be consulted).
- Monitoring.
- Flooding.
- Source control and discharge targets.
- Waitakere Ranges Heritage Area Act 2008.
- Combined stormwater/wastewater discharges/overflows.

- Litter.
- The conditions of consent to be imposed.

Main findings on the principal issues in contention

30. Our main findings on the principal issues that were in contention are.

The Lawfulness of any consent. (Permitted diversions, hydrology mitigation, scope concerns in relation to the existing and future network, delegations).

31. Mr Anderson on behalf of the Royal Forest and Bird Society, Mr Allen on behalf of CDL Land NZ and others, Dr Kirman on behalf of Housing NZ and others and Mr Enright on behalf of the Oil Companies, presented legal submissions that raised a number of legal issues for our consideration. These included:

(a) The application attempts to operate outside of the RMA and would leave far too much control in the hands of the consent holder and the Council and decisions on how effects are managed would be taken out of the normal RMA consenting framework.
(b) The broad powers reserved for the consent holder and the Council go beyond what is acceptable in an RMA framework.
(c) A global consent for future activities is inappropriate and would result in the unlawful delegation of judicial functions to the consent holder.
(d) The proposed conditions are almost entirely process driven and do not provide for any meaningful limits, involve improper delegation and are too uncertain.
(e) The application is too broad in scope.
(f) The application goes beyond the terms of the Unitary Plan with particular reference to the requirements it seeks to impose on the diversion of stormwater.
(g) The application seeks to transfer decision-making roles from the Council as consent authority pursuant to the Unitary Plan to Healthy Waters as a consent holder.
(h) The application is being used to introduce additional, or different, requirements to manage the form of urban development in the Auckland region to those in the Unitary Plan under the guise of managing stormwater.
(i) The application is attempting to inappropriately incorporate authorisation processes under other legislation within the conditions of the NDC relating to the management, funding and vesting of stormwater in the Auckland Region.
(j) The consent framework seems to be enabling, but not limiting. It is unorthodox and arguably unlawful for the consent holder to be able to define its own obligations.

32. The legal issues raised lead us to question the reporting team as to the extent of legal advice they had received in relation to the application itself and also the basis for the conditions that had been recommended in the section 42A report. Mr Duthie advised us that in light of the legal submissions presented at the hearing the reporting team would

appreciate the opportunity to seek legal advice. The intention being to incorporate this legal advice in the reporting team's response to us on their section 42A recommendations after considering all of the evidence presented during the hearing process.

33. We supported this approach, recognising that as the legal issues that had been raised by submitters were significant and that an adjournment of some weeks rather than days may be required. For the sake of clarity the legal advice was sought and provided to the Council in its regulatory role and in particular the reporting team on this application.

34. DLA Piper provided legal advice dated 23 January 2019. The reporting team provided their written response also dated 23 January 2019. Both documents were made available to the applicant and all parties, prior to Mr Lanning lodging his Reply dated 1 February 2019.

35. We do not intend to repeat in any detail the contents of the legal advice the Council received, as all parties have had the opportunity to review it. The key outcomes were set out in the Executive Summary.

"EXECUTIVE SUMMARY

5 With respect to the first question, we consider the correct interpretation of Rule (A1) in Activity Table E8.4.1 is that a landowner who undertakes a permitted stormwater diversion to an authorised stormwater network in reliance on the rule is not required under the AUP to meet the requirements of the conditions of the discharge consent for the stormwater network.

*6 There may, however, under the Auckland Council Stormwater Bylaw 2015 (**Bylaw**) be separate requirements to obtain approval to connect to the Public Stormwater Network and comply with connection conditions under the Bylaw.*

7 With regard to the second question, in our view, the broad nature of what is proposed does not of itself give rise to a legal problem. However, in light of the case law, the Hearings Commissioners will need to be satisfied that the applicant has provided sufficient detail to enable the effects of stormwater diversions to and discharges from the existing and future network to be adequately assessed, and to decide what conditions to impose to avoid, remedy or mitigate adverse effects, as appropriate.

*8 In relation to the third question, the proposed conditions and schedules (in particular Schedule 8) provide a role for the Manager to certify that an SMP is in accordance with the objectives and outcomes of Schedule 2 and is the Best Practicable Option (**BPO**) for the proposal.*

9 Provided what is being delegated is the ascertainment of quantitative standards that are applied to meet the qualitative objectives and outcomes of Schedule 2, this is unlikely to involve delegation of a decision-making or judicial function. However, we consider that the case law suggests that it would be advisable for the Hearing Commissioners to be satisfied that there are clear objectives that any SMP should meet, together with clarity about how the conditions and proposed certification process would work in practice."

36. The reporting team provided their written response dated 23 January 2019 and in relation to the above legal advice, the following paragraphs are of particular relevance.

"33. The Resource Consents Department have sought independent legal advice from DLA Piper. That advice is attached to this report. The conclusion of that advice is that both the existing and future network are within scope of this application should the Commissioners be satisfied on the statutory tests and that the conditions can manage the effects of the development. In particular the opinion states:

"In such circumstances the Hearings Commissioners will need to be confident that the requirements of relevant AUP and higher order plan provisions are met. This is especially the case in locations such as the coastal environment where Policy 11 of the NZCPS and the AUP provisions which implement the NZCPS apply and seek to protect indigenous biological diversity, by avoiding adverse effects on specified taxa, habitats areas and ecosystems.

In our view, the broad nature of what is proposed does not of itself give rise to a legal problem. However, in light of the case law, the Hearings Commissioners will need to be satisfied that the applicant has provided sufficient detail to enable the effects of stormwater diversions to and discharges from the existing and future network to be adequately assessed, and to decide what conditions to impose to avoid, remedy or mitigate adverse effects, as appropriate." (paragraphs 35 and 36)

Existing network

34. In our view this application is demonstrably in scope for the existing network. The application must be read as a whole, including the schedules. Schedule 1 shows a map location of all the existing stormwater network including access points into the network and all discharge points. The application refers to the asset management plans which the Council holds. Because of the region wide map basis the plans are difficult to read as to precise locations. People are referred to the asset management plan and the Council's geomap system which shows these connection and discharge points at a high scale and specific level of detail.

35. The combination of Schedules 2, 3 and 4 in our view do set out a series of precise understandable standards which enable the consent holder and persons exercising compliance functions to determine what effects are to be managed, how, and to what standard. Schedule 2 sets out the objectives and outcomes for the consent. Schedule 3 identifies the BPO system and how this is to be applied. A BPO approach is contemplated by the RMA and standard practice as to approach nationally. Critically Schedule 4 sets the standards and requirements of consent. Some of these controls are quantitative and some are performance based. For the reasons outlined in the DLA Piper decision, the Environment Court has held that performance based controls are legitimate.

Future network

36. The future network applies to undeveloped land zoned for urban development or future urban zoning. Such land will usually go through a structure plan process and is required in terms of the conditions of this consent to go through a 'stormwater management plan' (SMP) process. All stormwater technical experts who presented evidence at the hearing either for the applicant or submitters strongly supported the SMP process, as do we.

37. The same schedules apply as for existing consents and in fact the quantitative standards and performance measures for greenfields development in Schedule 4 are more rigorous than for existing development, recognising that in building a new network a higher standard can be achieved than in retrofitting an existing network. In our view, the schedules (as modified by the changes recommended in the attached conditions of consent) will appropriately manage the effects of development and are within scope."

"41. One of the matters raised in Mr Anderson's submission related to the delegated powers in the previously proposed conditions of consent, and whether the manager (defined as the manager of the resource consents department or their nominee) took on an adjudication function as opposed to simply a certification function.

42. We accept that the conditions as originally proposed to you in a couple of areas raise some difficulty in terms of the legal principle that a consent, once approved, should not be subject to persons entering an arbitration role. The consent should be standalone and understandable with the regulator simply serving a certification role.

43. Consequently, changes have been made to the process, particularly in Schedule 8 dealing with matters of dispute. Conditions have been tightened up to refer only to a certification role.

44. This certification role does however include aspects such as certifying stormwater management plans and the operation of the consent in terms of the conditions.

45. DLA Piper have addressed the legal aspects and whether the process contemplated in the conditions of consent attached to this final report involve any unlawful delegation. They have reviewed the draft conditions and the associated material including legal submissions presented to the hearing. Their full opinion is set out within the attached document. However, in summary they conclude:

"The approach in the proposed conditions and schedules is to provide a role for the Manager to certify that an SMP is in accordance with the qualitative objectives and outcomes of Schedule 2 and is the BPO for a proposal.

King Salmon establishes that if what is being delegated is the ascertainment of quantitative standards that are applied to meet qualitative objectives, this does not involve delegation of a decision-making or judicial function. This situation is arguably analogous to King Salmon as the proposed TRG who will provide comment to the Manager about whether the SMP is in accordance with the objectives and outcomes of Schedule 2 and is [sic] the BPO will be acting in a similar capacity to the peer review panel in that case.

However, the case law also suggests that there should be clear objectives that any SMP should meet, together with clarity about how the conditions and proposed certification process would work in practice.

In our view, these are the key matters that the Hearing Commissioners would need to be satisfied about in reaching a conclusion that the certification conditions do not involve an unlawful delegation of judicial or arbitral functions." (Paragraphs 54 – 57)

46. In our view, the conditions of consent are in accordance with the principles set out in this opinion and the reference to the King Salmon decision. The conditions provide a combination of performance measures and quantitative standards all aimed at meeting pre-set qualitative objectives. The manager is exercising a certification role in terms of a suite of conditions which appropriately manage the consent and ensure the effects of the diversion and discharge are met."

37. In summary, the reporting team recommended a number of changes to the conditions of consent and the schedules to those conditions. All of these changes were fully set out in their written response dated 23 January 2019. The purpose of those changes were to respond to the matters raised by submitters, taking on board the DLA Piper legal advice.

38. The response of Healthy Waters was set out in full in the Reply and the rebuttal evidence of Mr Mayhew and Mr Jones. In summary, with respect to the legal issues that had been raised, apart from a few minor exceptions set out in the evidence of Mr Mayhew and Mr Jones, Healthy Waters agreed with DLA Piper advice and with the reporting team's written response. At the reconvened hearing the few minor exceptions were further reduced and apart from the membership of the TRG all other matters were essentially agreed.

39. In his Reply Mr Lanning made the following submissions in relation to the legal matters that were in contention.

40. At his paragraph 4.1:

"The advice note/s to Condition 1 regarding the relationship between the NDC and the AUP rules relating to third party activities have been the source of significant discussion. The NDC cannot, as a matter of law, alter the activity status of third party activities. The AUP permits diversions of stormwater to an "authorised" stormwater network. The NDC cannot, and does not, change that activity status (although it does enable reliance on that rule by "authorising" the Network). But, even if permitted, a diversion to the Network may require approval under the Bylaw. In this regard, we agree with the DLA Letter, and Healthy Waters accepts Advice Note 2 as proposed in the Additional Comments."

41. At his paragraphs 5.16 and 5.17, under the heading concluding comments, after his analysis in paragraphs 5.1 to 5.15:

"Concluding comments

5.13 The above analysis is consistent with the Additional Comments Memo and the DLA Letter. The SMP adoption process does not involve an "arbitration". In practical terms it is confirmation that Healthy Waters as asset owner and consent holder accepts the conditions of its resource consent will be met (ie can it continue to achieve the objectives, outcomes and targets that the Network must meet). The conditions provide for oversight by the consent authority, mana whenua, the TRG and the broader public (through the review and reporting requirements).

5.14 Accordingly, the SMP process is not unlawful in my submission. The Environment Court's jurisdiction is not removed as at any point. The decision to adopt an SMP could be the subject of enforcement action. The critical issue however, is whether the NDC conditions are sufficiently certain in terms of

prescribing the nature and scale of adverse effects that can be created. For the reasons stated above, and discussed in Mr Mayhew's supplementary evidence and the Additional Comments Memo, Healthy Waters says that the conditions do provide an appropriate level of certainty in the context of managing the Network in a growing and intensifying urban area. Overall, you can be confident that it will enable better management of the Network and the effects of the Network will be progressively reduced. The precise way in which that will occur will depend upon how the current and future urban area of Auckland develops.

42. We have carefully reviewed and considered all of the legal submissions and the expert evidence associated with the legal issues that are in contention, including the expert evidence presented on behalf of submitters.

43. It is our overall finding that, the changes that have been made to the conditions of consent and the attached schedules, have appropriately responded to the legal concerns raised by submitters. We reached this finding for the following reasons:

    (a) The DLA Piper legal advice has comprehensively responded to the jurisdictional issues raised by submitters and set out the relevant RMA provisions and the relevant case law on the matters that were in contention.

    (b) The reporting team has also comprehensively reviewed their recommendations to us in light of the legal advice and we accept and adopt their evidence as set out in their written response dated 23 January, as supplemented by the written and oral evidence presented at the reconvened hearing on 12 February 2019.

    (c) Mr Mayhew also provided a comprehensive review and assessment in his evidence dated 4 February 2019. We have therefore also accepted and adopt his final position.

    (d) While the nature of the hearing process does not enable the submitters to respond to the reporting teams final recommendations, or to the matters presented in Reply or rebuttal evidence, we are confident that the grant of consent subject to the conditions that we have imposed have appropriately responded to both the legal and evidential issues that were raised by submitters.

    (e) Our reasons are more fully set out throughout the rest of our decision under the headings on specific topics and in the overall reasons at the end of our decision.

Permitted diversions

44. Recommended condition 1 sets out the scope and operation of the proposed NDC. Advice notes to condition 1 were recommended to clarify the scope of the NDC.

    Advice Note 1 set out the activities that are not authorised under the NDC.
    Advice Note 2 stated that the NDC does not purport to alter the status of any activities currently permitted under the AUP and as such approvals for permitted diversions is not required under the NDC. In addition this advice note states that activities permitted under

the NDC may still require other approvals, including under any Council Bylaw relating to the stormwater network.

Advice Note 3 set out the activities that are not to be considered as redevelopment under condition 1(c)(i).

Advice Note 4 stated that private stormwater networks (authorised by a private diversion and discharge consent are not subject to the requirements of this consent) but may be permitted to connect to the public stormwater network subject to other approvals, including under any Council Bylaw relating to the public stormwater network.

45. The reporting team in their written response dated 23 January 2019 stated that:

> *"17. In terms of the Auckland Unitary Plan and the status of diversions to the existing network, the advice of DLA Piper is:*
>
> *"we consider the correct interpretation of Rule (A1) in Activity Table E8.4.1 is that a landowner who undertakes a permitted stormwater diversion to an authorised stormwater network in reliance on the rule is not required under the AUP to meet the requirements of the conditions of the discharge consent for the stormwater network.*
>
> *There may, however, under the Auckland Council Stormwater Bylaw 2015 (**Bylaw**) be separate requirements to obtain approval to connect to the Public Stormwater Network and comply with connection conditions under the Bylaw". (Paragraphs 5 and 6)*
>
> *18. We agree that a stated purpose of the Stormwater Bylaw is to:*
>
> *(d) ensure that discharges into the public stormwater network do not damage the network or compromise the council's ability to comply with any applicable network discharge consent;*
>
> *19. We accept that for a new diversion into an existing authorised network (private or public), such diversions can reasonably be, and currently are, required to implement measures to ensure that they do not compromise compliance with the network consent conditions. However that is under a bylaw provision rather than an Auckland Unitary Plan provision*
>
> *20. It was agreed by all parties that that is the legal position and that an advice note should be included in any consent stating that the consent does not apply to diversions which are otherwise a permitted activity. So for new additional impervious areas, we recommend as satisfactory a simple advice note for Condition 1 that states that*
>
> *"this consent does not purport to alter the status of any currently permitted activity under the AUP and as such, approval for permitted diversions is not required under this consent. An activity that is permitted under the AUP may still require other approvals, including under any Council Bylaw relating to the public stormwater network".*
>
> *Independent legal advice sought by the Resource Consents Department has confirmed this position.*

21. *We do not support, as requested by some submitters, that the advice provide a more detailed interpretation of which permitted activities are to apply. We prefer the simple advice note provided above and as recommended for Condition 1. However, we consider that it would be appropriate and useful for the Resource Consents Department to issue an updated guidance note on the interpretation of the Unitary Plan provisions, and how those provisions are applied in conjunction with the NDC, Bylaw and Code of Practice. We would support a recommendation to that effect in the commissioner's decision report."*

46. We agree that the advice note approach is appropriate. We have used Mr Mayhew's final version of Advice Note 4 as we find that it is clear, to the point and is easier to understand than previous versions.

47. With respect to the suggestion that the Resource Consents Department issue an updated guidance note in relation to how the AUP: OP, the NDC, Bylaw and Code of Practice provisions are to be interpreted in relation to each other, we see merit in this. We would anticipate this would occur in any event, whether we recommend it or not, however we have made a separate recommendation as set out below.

"Recommendation to Auckland Council Resource Consents Department
In order to further assist in the interpretation of the relevant AUP: OP provisions and how those provisions are applied in conjunction with this consent, the relevant provisions of the Auckland Council Stormwater Bylaw 2015 and the relevant provisions of the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater, version 2 dated 1 November 2015, that the Council issue an updated guidance note as soon as practicable."

Hydrological mitigation

48. Ms Panther Knight, on behalf of CDL Land NZ Limited and others, considered that the proposed NDC imposes more stringent controls relating to hydrological mitigation for large-scale brownfield and greenfield developments than the AUP: OP. In her Hearing Summary Statement dated 22 November 2018 at paragraph 15, it was her view that.

"15 In my view, the NDC clearly results in a further layer of assessment, as follows;

(a) Asking the question as put in E8.4.1 (A1), is the proposed diversion arising from new impervious area discharging to an authorised stormwater network?

(b) If the response is yes, then currently the activity is permitted under the AUP and subject only to controls under the Stormwater Bylaw and the Code of Practice.

(c) Under the NDC as sought, if the response to the question above is yes:

(i) <u>And</u> the NDC Schedule 4 requirements are met, then the activity is permitted subject only to controls under the Stormwater Bylaw and the Code of Practice.

(ii) *<u>But</u> where the NDC Schedule 4 requirements are <u>not</u> met, then the applicant must now:*

- *Either seek to agree a SMP with Healthy Waters, potentially having to follow a lengthy arbitration process if agreement cannot be reached; or*

- *According to the Applicant, seek its own discharge consent (where Healthy Waters will be consulted in its specialist capacity by Council anyway) albeit it is unclear to me how this would work in practice if the asset owner of the network is not willing to accept the discharge; and given the diversion of stormwater to that network would not constitute a discharge (paragraph 1.5 of the Applicant's legal submissions, footnote 7). It would appear that the Applicant is suggesting that developers would be responsible for constructing (and maintaining) a private network from the development site to whatever discharge point."*

49. Mr Lanning in his Reply at paragraphs 7.1 to 7.5 inclusive responded to the matters raised in the legal submissions of Mr Allan. Mr Mayhew specifically responded to the evidence of Ms Panther Knight in his statement of rebuttal evidence dated 13 November 2018 in his paragraphs 4.65 to 4.82 inclusive.

50. It was Mr Lanning's overall submission at paragraph 7.5 that;

"Finally, again, there is nothing to stop Mr Allan's clients (or anyone else) seeking their own discharge consents, as they can do now. The NDC provides an alternative option, that in my submission, enables a more streamlined development process (from a stormwater perspective)."

51. Mr Mayhew in his paragraph 4.70 stated that;

"I also do not agree with Ms Panther Knight's statement that 'The NDC suggests private developers can either comply with the SMAF controls and the NDC conditions of consent or seek their own discharge consent via a resource consent application.' In my opinion this ignores the third, and probably most important, option for large-scale brownfield and greenfield development, which is the development of a SMP that identifies the BPO. Under Schedule 4, a SMP is not required to meet the identified performance standards. In this regard I consider paragraph 6.6, which states that 'Schedule 4 imposes SMAF controls …' to be misleading. The levels of performance are one way of achieving an appropriate hydrological outcome which, as Dr Neale's EIC states, is fundamental to achieving improved stream health and functioning."

52. The reporting team in their written response dated 23 February 2019 stated that.

"Hydrology Mitigation

25. We note that Chapter E8 does not use the term redevelopment. That term is used in Chapter E9 (High contaminant generating car parks and high use roads) and

Chapter E10 (Stormwater management area – Flow 1 and Flow 2 (SMAF)). Those chapters apply land use controls under section 9(2) of the RMA.

26. Permitted activity Standard 8.6.2.2 does address "new land use activity, a change in land use or the removal of existing stormwater management measures" by limiting associated changes in stormwater flows and volumes, and concentration and loads, to existing levels. However, that standard does not apply to diversions authorised under Rule 8.4.1(A1).

27. For development or redevelopment within a SMAF area, the Chapter E10 rules and standards require hydrology mitigation, regardless of the permitted status of the diversion into an authorised network. The proposed NDC does not increase that requirement.

28. For greenfields development or redevelopment outside the mapped extent of SMAF areas, the NDC would require mitigation for greenfield areas to achieve pre-development hydrology or an alternative approach to be confirmed in a SMP. We consider these approaches to be consistent with the requirements of permitted and controlled activities that would apply to private diversion and discharges and new public networks under Chapter E8.

29. For large brownfields development or redevelopment, the NDC would require hydrology mitigation (with the AUP: OP equivalent exclusions suggested by HNZ and supported by Healthy Waters), but also provides for an alternative approach to be confirmed in a SMP. At face value for a given development or redevelopment, this requirement may be more onerous that the existing situation, subject to what specific stormwater management requirements are agreed with Healthy Waters through the Stormwater Bylaw and Code of Practice approvals. But we acknowledge that Rule E8.4.1 (A11), under which the NDC is sought, imposes a full discretionary status for the diversion and discharge of stormwater runoff from an existing or a new stormwater network. That status engages all relevant objectives and policies of the AUP: OP. As we have stated in the s42a Agenda report, we consider the NDC application to be consistent with those provisions.

30. We continue to support the proposed scope of the NDC with respect to hydrology mitigation requirements of Schedule 4 as being generally consistent with the AUP: OP and in any event, appropriate in the context of the discretionary activity status of the NDC."

53. It is our finding that the NDC approach is generally consistent with the AUP: OP and is appropriate in the context of the discretionary activity status of the application. In addition as Mr Mayhew stated, private developers have options available to them, including a SMP that is not required to meet the identified performance standards. Ms Panther Knight considered the SMP approach one that requires the agreement of Healthy Waters, *"potentially having to follow a lengthy arbitration process if agreement cannot be reached."*

54. The relief sought by Ms Panther Knight was for us to refuse consent to the NDC, or alternatively amend the consent conditions to delete the components of schedules 4 and 8, which in her view enable development proposals by third parties to be assessed against the terms of the NDC rather than the AUP: OP.

55. Mr Mayhew in his supplementary evidence dated 4 February 2019 dealt at some length with what he considered to be the implications of the NDC being refused. In summary he advised approximately half of Auckland's urban areas would not be covered by a stormwater discharge consent; Healthy Waters would need to continue to operate the network (as urban stormwater is not a discharge that can be turned off, and runoff will occur during rainfall) and discharge, without a consent in these areas; private development that does not meet the permitted activity standards of the relevant AUP: OP rules, may be required to obtain resource consents; and Auckland Council would need to continue to apply and comply with different stormwater management requirements across the region.

56. Alternatively, instead of refusing consent, if we had concerns over the performance standards and processes being adopted within the Schedules, Mr Mayhew considered that the most appropriate relief would be to grant consent, but exclude brownfield and greenfield development from the discharge authorised by the NDC. He cautioned that he did not consider that this would be a good or efficient consenting model as it simply perpetuates the problems of the past and would result in a large number of consents being sought and held by private entities. However in his opinion this consenting model would be the most appropriate alternative to the NDC as currently drafted.

57. Our findings on these matters are that;

    (a) For the reasons set out in the evidence of Mr Mayhew and the reporting team we accept and adopt their evidence that the recommended conditions of consent with respect to hydrological mitigation are generally consistent with the AUP: OP and are appropriate in the context of the discretionary activity status of the NDC application.
    (b) It is not appropriate to remove Schedule 4 or to exclude greenfield and brownfield developments from the NDC, as the evidence presented to us shows that adverse effects on sensitive freshwater and marine receiving environments would not be managed appropriately, and hydrological mitigation which is fundamental to achieving improved stream health and functioning, would not be achieved.
    (c) As discussed above CDL have the option of applying for their own consents for private stormwater networks.

Potential future discharges into significant ecological areas.

58. Mr Anderson on behalf of the Royal Forest and Bird Protection Society submitted that the grant of consent for the NDC may allow a discharge into a Significant Ecological Area – Marine, or other sensitive marine environments. The specific concern was that any such discharge would be contrary to Policies 11, 13 and 15 of the NZCPS and policies D9.3(9) and (10) of the AUP: OP. These policies seek to avoid adverse effects of activities on indigenous biodiversity values of areas identified as significant ecological areas.

59. Of particular concern was the uncertainty of what adverse effects may arise in relation to future discharges from land currently zoned Future Urban under the AUP: OP because the actual future discharge points are unknown and will remain unknown until rezoning enables live urban zones and urban development can occur.

60. In response to these submissions the reporting planners recommended changes to proposed condition 16B (condition 14 of this consent). Proposed condition 16 (conditions 13, 14, 15 and 16 of this consent) establishes the process for SMPs proposed after the commencement of the NDC consent to be adopted into the NDC consent. Condition 16B (c) (condition 14 (c) of this consent) states that a SMP may not be adopted by this process if; *"The SMP includes a discharge from a greenfields development into a 'significant ecological area terrestrial' or a 'significant ecological area marine' as defined in the AUP via a new stormwater network that discharges directly into the significant ecological area or into a stream that then flows directly into a significant ecological marine area. This clause does not apply if the discharge is via an existing stormwater network, including an existing network that has been upgraded or renewed."*

61. In addition proposed condition 16C (condition 15 of this consent) now states that; *"Any proposed SMP that does not meet condition 14 will require a 127 application (change to conditions) or a separate consent unless the SMP has been prepared to support a Plan Change and has been confirmed through that process. In this situation it can be adopted directly into Schedule 10 without further process."*

62. The purpose of the amended wording of these conditions is to ensure that future SMPs will not discharge into significant ecological areas, unless, pursuant to proposed condition 16C (condition15 of this consent), either a 127 application, or a separate consent has been granted, or the SMP has been confirmed through a plan change process. In other words, future discharges into significant ecological areas would need to pass through a consenting process under the RMA. Such future discharges could not be adopted into the NDC without following the normal consenting process which would provide the opportunity for public participation.

63. The amendments to proposed condition 16 (conditions 13, 14, 15 and 16 of this consent) were proposed by the reporting planners and supported by Mr Mayhew. Mr Lanning in his Reply also specifically addressed the relevant case law in response to Mr Anderson's legal submissions.

64. We agree with the reworded proposed condition 16 (conditions 13, 14, 15 and 16 of this consent) and adopt the final evidence of the reporting planners and Mr Mayhew on these matters. We find these conditions will appropriately manage the issue raised in relation to potential future effects on significant ecological areas. In addition, after having regard to the relevant provisions of the NZCPS, the Waitakere Ranges Heritage Area Act and the AUP: OP, we find that the grant of consent will be consistent with and not contrary to policies that were of particular concern to Mr Anderson.

65. We also note that as discussed in the final evidence of Mr Mayhew[1] and in the reporting planners' memo dated 23 January 2019, the level of information in the NDC application and the performance requirements provided in Schedule 4 represent current best practice to manage stormwater diversion and discharge related adverse effects on Auckland's most sensitive receiving environments. The cumulative effect of the NDC consent conditions and schedules proposed and the requirement for a SMP enables the full and appropriate management of effects. We agree with this assessment.

Mana whenua engagement.

66. We note and adopt the evidence of the reporting planners in section 8 of the section 42A report, as set out below.

> *"Stormwater discharges are demonstrably an issue of great importance to Mana Whenua. This is recognised in terms of the principles of the RMA as well as through the NPS FW, NES and AUP: OP, where Mana Whenua are seen as having a critical interest in the ongoing improvement in water quality.*
>
> *The fundamental management approach of the application is that proposals meet the standards set out in the AUP: OP, or are assessed under the BPO. Where the standards of the AUP: are not met, in our view the BPO forms a suitable test for the management of stormwater discharges and can take account of matters important to iwi.*
>
> *While the application as lodged took account of the role of iwi in the management of stormwater, there were a number of submissions from iwi, Mana Whenua groups and others requesting a greater level of engagement and involvement of iwi in the management of stormwater across the region and in the implementation of the NDC.*
>
> *In our view it is important that iwi have a stake in the management of stormwater going forward. We consider that it is entirely appropriate for Mana Whenua to have direct involvement the management of stormwater across the region through representation on the TRG. Through this mechanism the proposal enables direct Mana Whenua involvement in the assessment of Proposed SMPs and 6-yearly Stormwater Network Review and Report, while also providing opportunities for engagement with Mana Whenua more broadly as part of the process to surrender existing NDCs, and preparation of the Triennial and 6-yearly Stormwater Network Reviews / Reports."*

67. During the hearing we heard from Mr Tame Te Rangi on behalf of the Mana Whenua Kaitiaki Forum. He advised us that the Forum has membership from each of the 19 mana whenua entities with interests in the Auckland Council area. He confirmed that the Forum supported the NDC and in particular the focus on outcomes, the review cycle which allows kaitiaki to influence the management framework evolves, there is provision to

[1] Paragraph 5.6 Ian Mayhew Supplementary evidence

incorporate the mauri model in the six-year targets and that the terms of reference for the reviews tie back directly to te mauri o te wai.

68. We also heard from Ms Lucie Rutherford, the Resource Management Officer for the Ngati Tamaoho Trust. The written submission on behalf of the Trust opposed the application in the form it was publicly notified, however Ms Rutherford supported the application based on conditions that had now been recommended by Healthy Waters at the hearing.

69. In their written response the reporting team commented as follows.

> *"47. Stormwater matters are undoubtedly of high environmental and cultural significance to mana whenua.*
>
> *48. The Mana Whenua Kaitiaki Forum presented to the Panel their unanimous support for the application. There was a caution around the expectation on Healthy Waters to deliver on the programmes and engagement process set out in this consent. Nevertheless, mana whenua indicated their broad support for the application and the process set out within the conditions of consent.*
>
> *49. In our view this is significant and we do not want to undermine the agreement reached between the Mana Whenua Kaitiaki Forum and Healthy Waters.*
>
> *50. The main area this could inadvertently occur is in the TRG and the current proposal which sees equal membership of mana whenua and non-mana whenua members. We are recommending the TRG be increased from four to six including the mana whenua membership increased from two to three. The TRG related submissions are addressed later in this report. The key matter is to retain equal representation between mana whenua and non-mana whenua members.*
>
> *51. The Ngati Tamaoho Kaitiakitanga Unit also presented at the hearing. The representative stated their initial position was to oppose the application, but now felt that it could be supported with strengthened conditions. These conditions accord with changes put forward by Healthy Water following their engagement with the Mana Whenua Kaitiaki Forum.*
>
> *52. No additional conditions were sought by Ngati Tamaoho, although we do note the clear statement by Ngati Tamaoho that implementation is a key part of continued mana whenua support for this application."*

70. In terms of achieving the purpose of the RMA we noted from page 120 of the section 42A report that:

> *"The proposal recognises the role of mana whenua as guardians of the natural environment, and in particular the fundamental importance of water quality to mana whenua. The proposal requires enhanced levels of engagement with iwi as part of the processes defined around the adoption of SMPs, the Triennial Stormwater Network Review and Report and the 6-yearly Stormwater Network Review and Report, and on an ongoing basis. It also provides a decision-making element to mana whenua through representation on the TRG, with direct input into the SMP adoption and 6-year Stormwater Network Review and Report processes."*

71. Our finding with respect to Mana Whenua engagement is that consultation has been comprehensive and that the conditions of consent that have been imposed have appropriately recognised and provided for the relationship of Māori and the ongoing role

of mana whenua as kaitiaki of the natural environment. It has taken into account the principles of the Treaty of Waitangi, providing a decision-making element to mana whenua and will promote the sustainable management purpose of the RMA.

The proposed Technical Reference Group. (Its role and membership).

72. The proposed Technical Reference Group, "TRG" was generally supported. The issue of greatest contention was the role of the TRG and what the membership of the TRG should be.

73. In their written response the reporting team commented as follows.

"Role

56. The applicant originally envisaged the Technical Reference Group as an advisory group to provide feedback to:

(a) the Manager, by way of a summary review of the Triennial Stormwater Network Review and Report to the Manager (Condition 25g.);

(b) the Consent Holder and the Manager, by reviewing and reporting on the six yearly Stormwater Network Plan Review (Condition 30); and

(c) to the Certified Hearings Chairperson (assessor) under Schedule 8, in determining disputed SMPs (between the consent holder and requestor).

57. With the scope of SMPs that may be considered under Schedule 8 now limited to those that address specific developments where all land owners within the SMP catchment have provided their approval, we have reconsidered the role of the TRG in the Schedule 8 process. Its advisory role becomes essentially technical. However, we understand that Mana Whenua specifically supported a role in the Schedule 8 process (through membership of the TRG) and consequently, we continue to support that function of the TRG as an advisor to the certifier. In our opinion, that role does not constitute arbitration.

Membership

58. One of the matters still contested between the applicant, and the report writers and a number of submitters is the membership of the TRG.

The applicant's perspective is that:

- *There should be an equal number of mana whenua and non-mana whenua representatives on the TRG. This is to keep faith with undertakings to mana whenua during the consultative process. We support this principle.*

- *The TRG should be set at four. The appointee of "Engineering New Zealand" should appoint a person with "significant knowledge and experience of the development sector and design and operation of stormwater networks" so as to cover a broad range of skills and experience.*

- *A number of submitters raised concern about the economic consequences and impact of stormwater decisions. They felt that this should be taken into account alongside environmental, cultural and social aspects. The nomination of a stormwater practitioner with extensive knowledge of the development sector and the design and operation of stormwater networks is seen as an appropriate way to manage this. There is no independent professional group that can make this appointment. Consequently, the condition is proposed as the Property Council nominating the person, but the appointment being made by the Chief Executive of Auckland Council. We understand the applicant remains opposed to this condition believing the appointee of the Chief Executive of Engineering New Zealand can cover both aspects.*

- *Several submitters support the Property Council nomination process. These range from public housing authorities, to housing development companies, and small business representatives.*

59. *In our view, having a TRG of six members for an important consent is not a burdensome number, and would help get a broad range of ideas within the group. An economic perspective is only asked to be reflected in one person. Others undoubtedly will have perspectives and views, but the nomination for this perspective is one of six. Nevertheless, the nomination is not one of a developer or business person. Rather it is of a stormwater practitioner. The Property Council role is only to nominate. It is the Chief Executive of the Council who makes the ultimate appointment.*

60. *We remain of the view that the TRG with a membership of six, one of which is nominated by the Property Council and appointed by the Chief Executive, is an appropriate mechanism.*

61. *However in terms of the functions of the TRG under Schedule 8 in giving advice on SMPs, we are recommending the membership at four being the Engineering NZ , NZPI, and two appointees by the Mana Whenua Kaitiaki Forum. This retains a manageable size group for this more operational function.*

62. *Other changes to the TRG are relatively straightforward. It is agreed that the appointee of the Chief Executive Engineering New Zealand need not be a "chartered" professional engineer; simply a 'professional engineer' reflecting that the role within the TRG is not required to sign off engineering design, and that many stormwater practitioners with appropriate extensive knowledge of the development sector and the design and operation of stormwater networks are not chartered engineers. Consequently, requiring a chartered engineer would unnecessarily limit the range of potential people that could be engaged in that role.*

63. *We have also suggested a backup clause that where one of the appointing/nominating agencies declines to nominate or appoint a person, then that duty shall be undertaken by the Chief Executive of Auckland Council.*

74. Mr Lanning in his Reply set out the applicant's final position on the TRG as follows.

"The TRG

6.4 A number of submitters have referred to the role of the TRG and, in particular,

seek a member to be appointed by the Property Council. The section 42A report writers now recommend expansion of the TRG membership from 4 to 6 to allow for the Property Council to "nominate" an additional member (while still allowing for mana whenua to appoint 50% of the TRG membership). The qualifications of the person to be nominated by the Property Council are precisely the same as the member to be appointed by Engineering New Zealand. This proposed change to the TRG is opposed by Healthy Waters.

6.5 As noted above, the TRG is intended to be a "technical" advisory group, i.e. a group of independent experts providing technical advice. It is not intended, and nor should it be, an advocacy group. In answer to questions on the composition of the TRG Dr Hewison stated that his clients wanted "the Property Council" to have "a representative" with "a role on the TRG".

This is precisely the reason why it is not appropriate to have the Property Council involved in the appointment of a member.

6.6 The section 42A report writers' recommended conditions provide that, when the TRG is advising the Schedule 8 process, the Property Council nominee and one of the mana whenua nominees are excluded. The reason for this is not explained in the Additional Comments Memo – although it is assumed that it is to address the 'advocacy' concern noted above. In my respectful submission this is cumbersome and, again underscores Healthy Waters' concern with what is proposed. The Property Council will have the opportunity to have input into the six yearly review."

75. For those seeking the appointment of a member of the TRG nominated by the Property Council, the primary concern was that "a stormwater practitioner with extensive knowledge of the development sector and the design and operation of stormwater networks" be included. It was initially recommended by the reporting team in the section 42A report that such a practitioner be nominated by the Property Council and appointed by the Chief Executive of the Auckland Council. This approach was supported by, in particular, Mr Lindenberg, on behalf of Housing New Zealand, HLC Limited and Tamaki Regeneration Limited, and Dr Hewison on behalf of Business North Harbour, Greater East Tamaki Business Association and Wiri Business Association.

76. There was no issue with respect to the appointment of members to the TRG by the Mana Whenua Kaitiaki Forum. It was common ground that the TRG should have equal numbers representing mana whenua and non-mana whenua.

77. For the reasons set out in Mr Lanning's Reply, supported by the evidence of Mr Mayhew at paragraph 9.45 of his evidence in chief, at paragraph's 4.21 to 4.23 of his rebuttal evidence and paragraph 6 of his supplementary evidence dated 4 February 2019, we have preferred the final version of the TRG condition as recommended by Mr Mayhew.

78. It is our finding that the nomination and appointment of an additional stormwater practitioner with extensive knowledge of the development sector and the design and operation of stormwater networks will not assist in the independent review and advisory role of the TRG. The Property Council and other industry groups, along with all the other interested parties, including community groups, as identified in the conditions that have

been imposed, will provide for an appropriate level of engagement and review opportunities. We also agree with Mr Mayhew that the reporting team's recommendation that some members of the TRG in some processes but not others, is cumbersome and unnecessary.

Community Liaison Group involvement.

79. We heard from many community groups and concerned individual submitters that they would not be able to participate in the 6-yearly review process, or be able to engage in the processes associated with future SMPs. In relation to SMPs we will discuss this aspect below, under the heading SMP approval and adoption.

80. The reporting team in their written response commented as follows.

"COMMUNITY LIAISON GROUP (Albert Eden Local Board, Waitakere Ranges Local Board, Western Bays Community Group, Springleigh Residents Association, SASOC, Herne Bay Residents Association, St Lukes Environmental Protection Society, Tamaki Estuary Environment Forum, Royal Forest & Bird and others represented by the identified groups)

64. A number of community submitters raise concerns that they have no involvement in the development of the six yearly Stormwater Network Discharge Consent Review, whereas other groups are engaged through Condition 32.

65. The original issue for us had been how representatives of such a group could be identified. The supposition was that if all community and other groups are given the full information of the monitoring plan and the draft Stormwater Network Discharge Consent Review, through the LTP consultative process, they could be able to input into the budgets and other aspects that effectively drive the stormwater.

66. The Local Boards, being a representation of local interests within the community duly elected by the community and being included in Condition 32, was also seen as in part fulfilling this function.

67. Having heard the request of submitters, a different approach has been developed through engagement with Healthy Waters, that has offered a new condition 32A to require the six yearly Stormwater Network Discharge Review to provide for input from members of the public by:

(a) Making a summary of the implementation of the NDC, relevant monitoring information and implications for the on-going implementation of the NDC publicly available and accessible;

(b) Publicly notifying the process, and how groups can be engaged.

(c) Providing a mechanism to receive public feedback;

(d) Preparing a summary of feedback that is received, including highlighting any key areas of feedback and matters that may be put forward for further consideration and engagement through Council's LTP process

68. We have agreed with the initial approach in principle but recommend modification of the condition to strengthen the process. We have also recommended a condition that requires the process outlined in Condition 32A to be completed prior to the public notification of the following LTP. This will ensure that the anticipated public input into stormwater management and funding prioritisation is directly linked to the performance and outcomes of the NDC, as requested by submitters.

69. We have accepted Healthy Waters' proposition that is it difficult to select and nominate specific groups to be listed for consultation, at the risk of missing interested groups or individuals. We are satisfied that our recommended condition will provide satisfactory opportunity for interested community groups or individuals to directly comment on the performance of the NDC and subsequent LTP process, should they wish to do that.

70. We did consider an alternative approach of appointing a 'Community Liaison Group'. However this introduces issues of how to establish such a group given the diversity of existing groups and no 'umbrella' organisation. We did consider a condition along the lines of:

"The Consent Holder shall

a. Establish a Community Liaison Group for the purpose of engagement on the six yearly Stormwater Network Discharge review under Condition 27.

b. The Community Liaison Group shall comprise at least 6 members drawn from a representative cross section of community groups active in the water quality and environmental field. The group shall include national / regional and local groups.

c. The members of Community Liaison Group shall be appointed by the Manager

d. The Consent Holder shall provide the Liaison Group with all relevant monitoring and other information.

e. The Consent holder shall convene a meeting of the Liaison Group to receive feedback"

However, and on balance, we consider the proposal condition 31A will provide a greater community engagement."

81. Mr Mayhew in his supplementary evidence dated 4 February 2019 at his paragraph 6.3. stated that:

7 Condition 32 and 33 – Community Engagement. Condition 32 reflects Heathy Waters' proposed condition (prepared subsequent to the hearing) to enable effective input into the NDC review by members of the public and interest groups. In my opinion, this process will enable wider community input more effectively than a liaison group comprising specific parties. However, I do not agree with the change to Condition 33 that has been made by the reporting planners. In my opinion, the report back should be to all members of the public that contributed feedback to the review, not just special interest groups.

82. We agree with and adopt the evidence of the reporting team and Mr Mayhew.

83. It is our finding that the concerns raised by submitters have been appropriately responded to through the conditions of consent that have been imposed.

SMP approval and adoption. (Limiting the scope of SMPs and Schedule 8).

84. The reporting team in their written response commented as follows.

"SMP APPROVAL AND ADOPTION
Limiting Scope of SMPs

71. During the hearing, the applicant modified the scope of the application by offering up a new condition 16B which effectively state that:

(a) any SMP that included and directly impacted third party properties (i.e. property outside the ownership of the Council and requestor) and that third party does not give their consent, is not covered by this application; and

(b) any SMP that proposes to impose standards on such third-party property that is more restrictive than those set out in Schedule 4 and which are not agreed by that party is also not covered by this application.

72. In both cases this would trigger either a 127 application or a fresh resource consent as appropriate, or for catchment-wide SMPs, would be considered in conjunction with a Structure Plan and associated Plan Change.

73. We accept this change as appropriately limiting the scope of the consent and ensuring the expectation of parties to RMA process is protected. We have split the new condition to improve clarity.

74. We have also limited the scope of Condition 16 to SMPs that are proposed after the commencement of this NDC. That will ensure that existing approved SMPs are not at risk of reconsideration under Schedule 4, subject to Condition 21A discussed below.

Schedule 8

75. Taking the above changes into account, we have concluded that the Schedule 8 process, with the support of the TRG, is essentially a technical certification assessment. The purpose of Schedule 8 is to address disputes between the Consent Holder and a Requestor regarding the appropriateness of a SMP. If a SMP is consistent with Schedule 4 that dispute will not arise.

76. Consequently, we have recommended the following modifications to Schedule 8;

(a) The explicit requirement for a SMP that is subject to the Schedule 8 process to provide written approval of any party whose property is within the SMP boundary and affected by the SMP (consistent with new Condition 16B).

(b) Removal of the role of the Certified Hearings Chairperson. As the role now requires certification against the objectives and outcome of Schedule 2 and is the BPO for the proposal (as required by Schedule 4) we considered that the certification role should sit with the Manager, which

simplifies the process. We acknowledge that the original wording of Schedule 8 was to provide full independence from the council in the decision on the disputed SMP. However, on reflection we consider that proposed approach cumbersome and in practice, unnecessary given that the certification is a technical function.

(c) Inclusion of a final Clause 6 to explicitly state that in the event that agreement is formed between the Consent Holder and a Requestor, the Schedule 8 process ceases and Manager approval will proceed in accordance with Schedule 5."

85. These recommended changes were largely in response to the concerns raised by submitters on the lawfulness of the proposed consent, scope and delegation issues which we have discussed as the first main finding on the principal issues that remained in contention.

86. We agree with and adopt the evidence of the reporting team.

87. It is our finding that the concerns raised by submitters have been appropriately responded to through the conditions of consent that have been imposed.

The term of consent.

88. Consent was sought for a period of 35 years. While the reporting team supported a 35 year term a number of submitters did not. In their written response the reporting team commented as follows.

"79. A number of submitters question whether an application of this scale should be granted for 35 years.

80. Having heard all the evidence, we remain of the view that a 35 year term is appropriate.

81. With this in mind, we make the following points:

(a) This application is approving assets and development relying on those assets, that will have a life somewhere between 50 and 100 years. These are long-term issues that warrant a long-term perspective in terms of the consent as well as the assets.

(b) There is an issue of how the consent is kept current. The package of conditions in our view achieves this including:

- *the detailed monitoring strategy;*
- *the triennial Stormwater Network Review and Report;*
- *the six yearly Stormwater Network Discharge Review.*

82. In addition, the review clause at Condition 43 and 44 provide a detailed list and opportunity for a fundamental review of the consent should there be changes in any one of a number of circumstances including:

- *unanticipated adverse effects;*

- *new requirements of a National Policy Statement or National Environmental Standard;*
- *any particular matters arising out of the monitoring programme;*
- *any changes to the Auckland Unitary Plan;*
- *advances or changes in the science or engineering of stormwater management;*
- *any change in the accountability for the combined network.*

83. In our view, these elements provide the opportunity for a fundamental review of this consent should there be a change in circumstance. With those conditions in place, a 35 year term is appropriate."

89. The concerns of submitters included: the need for appropriate safeguards within the conditions to address the relationship of Ngati Maru Runanga with its culture and traditions, their ancestral lands, rivers and streams, moana and other taonga; that a shorter term of consent would more appropriately provide for closer monitoring and prioritising for the rebuilding of infrastructure; how would a 35 year term improve the current stormwater situation; that stormwater management is a new science and the understanding of pollutants, the impact of pollutants and the management methods is constantly changing and advancing.

90. We note that Mr Michael Hannah, Managing Director of Stormwater 360, a specialist stormwater management company, initially sought a 15 year term of consent. In his tabled statement at the hearing he advised that he accepted the proposed 35 year term with the 3 yearly reporting and 6 yearly reviews of the consent. He suggested that the review be peer reviewed by appropriately qualified third parties.

91. Our finding with respect to the 35 year term of consent is that the conditions of consent that have been imposed will appropriately respond to the concerns raised by submitters. We relied on and adopt the evidence of the reporting team on behalf the Council, supported by the evidence presented on behalf of the applicant.

Surrendering and transferring/rollover of existing SMP's, ICMP's and NDC's.

92. There were a number of submitters, including Karaka and Drury Consultants and others, Manikum Enterprises Limited, North Eastern Investment Limited and Empire Capital Limited who were concerned that specific developments and resource consents that had been granted for their land were not recognised or protected by way of conditions or the processes proposed in the NDC application.

93. For these submitters conferencing with Mr Mayhew and the reporting team took place during the hearing. In each case agreement was reached as to the appropriate wording that was required to address the concerns for these submitters. All of the agreements reached have been incorporated into the conditions of consent that we have imposed.

94. The reporting team in their written response commented as follows.

"77. Condition 21A, as agreed with Healthy Waters, has been added to ensure that SMP and Integrated Catchment Management Plans (ICMPs) that are relied on by

current and proposed developments are protected from unreasonable uncertainty through adoption into the NDC. We agree with the proposed dates in that regard.

78. Similarly, Condition 20 provides for the surrendering of existing NDCs. The only change proposed to that condition is to provide specific inclusion of parties relying on the consents for stormwater management relating to existing through Condition 20d. Empire Capital has specific reliance on complex consents including aged consents and we do not consider that it's reasonable concerns could be protected without this inclusion. We also note that the marina zone is also somewhat unique in that it covers land and CMA."

95. It is our finding that concerns of these submitters have been appropriately satisfied by the agreed conditions that we have imposed, based on the agreements reached through conferencing during the hearing.

Triennial and six yearly reviews. (Alignment to the LTP and parties to be consulted).

96. The reporting Team in their written response commented as follows on these matters.

"TRIENNIAL AND SIX YEARLY REVIEWS (DoC, NZ Steel, Business North Harbour and others, Manikum Enterprises Limited, Karaka and Drury Consultants and others, Empire Capital Limited, North Eastern Investments Limited)

Alignment to LTP

90. A principle endorsed by the applicant and a number of submitters, is aligning the triennial reviews and the six yearly 'stormwater network plan review' to the Council's Long Term Plan (LTP). This is because any major capital expenditure triggered by upgrades in the stormwater network will need to be funded through the LTP. The alignment of the reviews to the LTP enables a logical progression and timely decision making on any such requirement.

91. The applicant in their submissions sought to adjust the dates. However, in discussion, it was accepted that the adjustments would have distorted the alignment with the LTP. The dates set out in these draft conditions are now agreed with the applicant and fully align with the LTP.

92. As noted, proposed Condition 32A that provides the opportunity for community engagement in the six-yearly review will also be aligned to the LTP process.

Parties to be consulted

93. Condition 32 on the six yearly stormwater network plan review specifies certain parties to be consulted. Through the submission and hearing process, some organisations sought to be added to this consultation process. They are Metals New Zealand, the Oil Industry Environmental Forum and the Department of Conservation. All these organisations have a particular interest and impact in terms of the stormwater network. We support a requirement for engagement with these organisations at the appropriate time.

94. We have not supported a suggestion provided by Ms Rickard in an email (23/11/18) subsequent to her appearance at the hearing, which proposed that the condition include "relevant industry bodies representing building materials manufactures and suppliers including Metals New Zealand". We considered that

wording to be unnecessarily broad in the context of the contaminants of concern, and also note in Ms Rickards email that the New Zealand Metal Roofing Manufacturers Inc and the Galvanising Association of New Zealand are both members of Metals New Zealand.

95. We have discussed the newly proposed requirement for community engagement earlier in this memo."

97. We accept and adopt the evidence of the reporting team and note this was supported by the applicant and the majority of the submitters.

98. It is our finding that the conditions that have been imposed appropriately provide for reviews that will result in alignment with the Council's Long Term Plan and enable logical and timely decision making on major capital expenditure required to upgrade the stormwater network. The conditions imposed also provide for engagement with a wide range of parties, including community groups to enable them to meaningfully participate in and contribute to the review process.

Monitoring.

99. There were many submitters, including mana whenua, the Local Boards, NZ Steel, Stormwater 360 and the Saint Lukes Environmental Protection Society that raised issues in relation to the proposed monitoring strategy and the extent of monitoring proposed.

100. The reporting team in their written response commented as follows on this matter.

"MONITORING (multiple submitters)

98. In the version of conditions presented at the hearing, the Applicant proposed the deletion of Schedule 6 and the inclusion of Conditions 38 and 39 that requires the development and implementation of a Monitoring Strategy specific to the NDC.

99. Schedule 6 listed existing monitoring undertaken by various Council departments for various purposes, that have some relevance to monitoring the effectiveness of the NDC. Some submitters preferred the retention of Schedule 6, at least initially, as a baseline for monitoring in the consent.

100. We support the changes made by Healthy Waters as the elements listed in Condition 37, which must be included in the Monitoring Strategy, will ensure that Healthy Waters draws on existing available monitoring as well and developing additional monitoring initiatives specific to the NDC. We do not consider that the retention of Schedule 6 would strengthen the consent as the monitoring necessary for the NDC will need to be provided in the long term, in accordance with Conditions 38 and 39. Therefore, the proposed conditions provide surety that appropriate monitoring must be delivered for the duration of the consent. The monitoring listed in Schedule 6 was not bespoke to the NDC, and is associated with various Council initiatives that may, over time, change or cease."

101. The changes to monitoring and review conditions that were made by Healthy Waters were supported by the majority of submitters we heard from, including mana whenua, Stormwater 360 and NZ Steel. The local Boards supported the grant of consent subject to appropriate monitoring and review processes. The Saint Lukes Environmental Protection

Society sought improved compliance monitoring and greater community involvement in the monitoring and review process.

102. The monitoring conditions that have been imposed, together with the review conditions which were also widely supported by submitters, will lead to a monitoring strategy being prepared within twelve months of the commencement of this consent. In addition the ongoing review process will enable participation of industry, environmental and community groups.

103. We accept and adopt the evidence of the reporting team and the evidence on behalf of Healthy Waters. It is our finding that the conditions imposed will deliver appropriate monitoring outcomes for the duration of this consent.

Flooding.

104. Mr Culver and the Braggins Family Trust identified specific issues that had occurred in relation to flood plains and overland flow paths.

105. The reporting team in their written response commented as follows on these matters.

"FLOODING (Mr Culver, Braggins Family Trust)

96. Mr Culver and others expressed concern that the current Council GIS mapping of flood extents placed an unreasonable limit on development, when applied to the relevant rules of the AUP: OP and the proposed NDC schedules. In response to this point we note that like Chapter E8 of the AUP: OP, NDC limits the extent of flood effects on other properties. Mapping of existing flood extents is undertaken separately to the NDC. Likewise, controls on development within flood plains, flood prone and flood sensitive areas are imposed through separate chapters of the AUP: OP and are beyond the scope and purpose of the NDC. We do not propose any change to the conditions or schedules regarding flooding.

97. Mr Braggins (A & J Braggins Family Trust) raised concerns regarding the accuracy of the mapped extent of overland flow paths and maintenance of the stormwater system to avoid flooding effects. Mr Braggins questioned whether the Condition 3 requirement to manage the network in general accordance with the BPO is sufficient to ensure the relevant Schedule 2 targets and the BPO will be met. We note that Condition 3 requires that the Schedule 2 targets be met, while the general accordance relates to the BPO. While we acknowledge the real-world concerns expressed by Mr Braggins, we have not identified any necessary changes to the conditions or schedules."

106. We have some sympathy with Mr Culver and his dismay at the complexity of the NDC application and the difficulty for submitters to meaningfully participate and comprehend the technical details involved. As stated earlier in our decision there was a significant degree of agreement between the stormwater experts who presented evidence and that in general terms the "science" behind stormwater management is well understood and was not in contention. While these matters may remain complex for most people, we have drawn considerable comfort from the expert evidence and have relied upon both the

expert stormwater engineering and the planning and resource management evidence placed before us.

107. For the reasons set out by the reporting team we accept and adopt their evidence in relation to the flooding and overland flow path issues raised by Mr Culver and Mr Braggins.

Source control and discharge targets.

108. Concerns were raised by Mr Kennedy and Mr Le Marquand on behalf of the Oil Companies that the NDC did not give sufficient consideration to the use of source control to provide measurable reductions in contaminant loads for copper and zinc given the results of investigations into contaminant loads and potential effects in Auckland streams and coastal areas.

109. The reporting team in their written response commented as follows on this matter.

"SOURCE CONTROL AND DISCHARGE TARGETS (oil companies)

101. On behalf of the Oil Companies, Mr Kennedy suggested that Auckland Council should take a strong role in promoting source control of contaminants including those arising from copper and zinc. Mr Kennedy gave particular emphasis to copper from vehicle brake pads. We recognise that source control is a fundamental element to stormwater management and is a key aspect of the Integrated Stormwater Management Approach promoted by the AUP: OP and the NDC. However, we do not consider that the NDC can extend control of source control beyond its proposed extent, which includes on-site stormwater treatment devices and detention devices, and promotion of inert roofing materials. Consequently, we do not recommend any changes to the consent in that regard.

102. Mr Kennedy and others also supported the proposed outcomes-based approach of the NDC but suggested that would be better achieved through the adoption of discharge targets. Mr Kennedy suggested that targets based on the NPS: FM, ANZECC 2018 and ANZECC 2000 should be adopted as initial benchmarks to measure the success of the NDC against.

103. On this issue we agree with the evidence of Mr Neale and Mr Mayhew and do not recommend any change to conditions. We accept, as stated by Mr Chin, that regional water quality limits (and targets) required by the NPS: FM will be developed using the various components of the Fresh Water Management Tool and adopted into the AUP: OP and into the NDC via a change of conditions.

104. We accept that the general consistency of the NDC with the AUP: OP and the likely timeframe for development and adoption of water quality limits through the parallel processes will ensure that potentially adverse water quality effects that are to be authorised by the NDC will be adequately minimised."

110. Mr Mayhew at paragraph 4.45 of his rebuttal evidence recommended that an additional target be included in BPO tables in Schedules 2 and 3 for Stream Health, Coastal Health and Groundwater as follows:

"Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants."

111. We agree that there are limitations on how far this application can reasonably extend into source control on tyres and brake pads on motor vehicles. We have imposed the wording recommended by Mr Mayhew in Schedules 2 and 3 and it is our finding that this approach appropriately responds to this issue, given the nature and limitation of the consent being sought by Healthy Waters. We have adopted the evidence of Mr Mayhew and the reporting team in support of our finding.

Waitakere Ranges Heritage Area Act 2008.

112. The Waitakere Local Board while supporting the NDC questioned the extent to which regard had been given to the Waitakere Ranges Heritage Area Act 2008. The reporting planners confirmed that they had taken this legislation into account, however they acknowledged in their written response that stronger specific assessment should be undertaken when new discharges are proposed directly into significant ecological areas, such as the land subject to the above protection legislation.

113. As set out earlier in our decision we have accepted the recommended conditions that will more appropriately manage the potential future effects on significant ecological areas. In addition, after having regard to the relevant provisions of the NZCPS, the Waitakere Ranges Heritage Area Act and the AUP: OP, we find that the grant of consent will be consistent with and not contrary to these documents.

Combined stormwater/wastewater discharges/overflows.

114. Many submitters, particularly community groups and concerned individuals, raised concerns in relation to wastewater overflows into the environment. These submitters generally requested the separation of the combined sewer network in order to significantly improve water quality outcomes.

115. Mr Lanning submitted to us that wastewater discharges, including those from the combined sewer network are the responsibility of Watercare. We were informed of and provided with a copy of the resource consent dated 17 June 2014 that was granted to Watercare. This consent covers all discharges from the wastewater network under the control and management of Watercare Services Limited. The consent was granted for a term of 35 years.

116. It is our finding that we have no jurisdiction to address any discharges from the combined sewer network as part of our considerations on this application which relates to the Auckland public stormwater network.

Litter.

117. The impact of litter and rubbish was raised by Mr La Roche. He considered that the stormwater network plays a significant role in conveying rubbish into the regions waterways. It was his opinion that the application and recommended consent conditions were essentially silent on the discharge of rubbish from stormwater outfalls. He provided

us with examples from around the region that supported his concerns. Mr La Roche requested us to acknowledge this problem, promote public education, provide a strategy to improve stormwater treatment, litter traps and rubbish collection booms and to improve enforcement.

118. The reporting team in their written response commented as follows.

> ***"Litter***
>
> *115. Mr La Roche presented evidence on litter and the problems with the stormwater network being a conveyor of inappropriately disposed of litter.*
>
> *116. Schedule 4 specifies gross pollutants traps for commercial / industrial waste storage / handling or loading / unloading areas and Condition 38 (Monitoring Strategy) includes targeted monitoring of gross pollutants and plastics. We note that Mr Kennedy, on behalf of the Oil Companies, supported those inclusions.*
>
> *117. In our view there is nothing additional that should be included within the consent to address litter. Nevertheless, the photos of poor behaviour at a major Auckland business demonstrates the nature of the problem and the need for a combination of education and, when appropriate, enforcement. Subject to any views expressed by Commissioners, it would be our intention to raise this matter with the Manager Compliance within the Resource Consents department and to relay the information presented at the hearing. This is intended as a learning for how, if matters like this are identified in the future, they are managed in terms of the compliance team's role in education and enforcement."*

119. We acknowledge the significance of the issues raised by Mr La Roche. We agree this is largely an educational and enforcement issue for the Auckland Council, rather than specifically a matter that Healthy Waters as applicant can be reasonably expected to be responsible for.

120. We also agree with the reporting team and their intention to raise the matter with the Compliance Manager within the Resource Consent Department. We support this approach and request that a copy of Mr La Roche's presentation to us also be provided to the compliance manager. In addition the compliance manager should be advised of the comments from Dr Hewison that there may well be a role for the Council to work with the business associations/groups he represented in order to provide educational information, together with the enforcement consequences that may arise for the owners and operators of commercial and industrial properties.

121. It is our finding that provisions contained in Schedule 4 and the monitoring strategy imposed in proposed condition 38 (condition 37 of this consent) appropriately respond to these issues and we adopt the evidence of the reporting team in this regard.

The conditions of consent to be imposed.

122. The conditions of consent recommended to us were largely agreed between the applicant and the Council's reporting team. Many of the conditions were also supported, in whole or in part, by the expert evidence presented on behalf of many of the submitters.

123. After carefully considering the matters and conditions that remained in contention it is our overall finding that the conditions that we have imposed will appropriately avoid, remedy or mitigate any adverse effects on the environment. In addition the conditions and the schedules will promote the sustainable management of the environment, the stormwater network and the existing and future urban areas of Auckland, in a manner that is consistent with the purpose of the RMA and the relevant statutory documents.

Decision

In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B, 105, 107, 108 , 108AA and Part 2 of the RMA, we determine that resource consent for:

the diversion of stormwater from both the existing and future urban land uses within the Rural Urban Boundary (RUB), coastal and rural settlements, and urban-zoned land outside of these areas (collectively called the 'urban area') that enters or will enter the Council's stormwater network; and

the discharges of stormwater from the Council's stormwater network to land, rivers/streams, lakes, groundwater aquifers and the Coastal Marine Area (CMA), overland flow, and discharge of stormwater to the environment is **GRANTED** for the reasons and **SUBJECT TO** the conditions set out below.

Reasons for the decision

In addition to the reasons contained in our decision under the heading, Main Findings on the Principal Matters in Contention, consent is granted because:

i. In terms of section 104(1)(a) of the RMA, after having regard to any actual and potential effects on the environment of allowing the activity, subject to the conditions that have been imposed, adverse effects have been appropriately avoided, remedied or mitigated.

ii. In terms of section 104(1)(b) of the RMA, after having regard to any relevant statutory documents, the proposal is consistent with the Waitakere Ranges Heritage Area Act 2008, the Hauraki Gulf Marine Park Act 2000, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the New Zealand Coastal Policy Statement 2010, the National Environmental Standard for Sources of Human Drinking Water 2008, the National Policy Statement for Freshwater Management 2014, the National Policy Statement for Urban Development 2016 and the Auckland Unitary Plan: Operative in Part.

iii. In terms of section 104(1)(c) of the RMA, the proposal is consistent with the Auckland Plan 2050.

iv. In terms of section 105 of the RMA, after having regard to the nature of the discharges and the sensitivity of the receiving environment to adverse effects, the applicant's

reasons for the proposed choice and possible alternative methods of discharge, subject to the conditions that have been imposed, adverse effects have been appropriately avoided, remedied or mitigated, the region-wide BPO approach is the appropriate choice and there are very limited alternative methods of discharge. Overall, the approach we have consented will enable the existing and future stormwater network to be sustainably managed by providing for the existing and future urban development of Auckland while managing and improving the receiving freshwater and marine environments.

v. In terms of section 107 of the RMA, there is no prohibition to the grant of this consent because stormwater discharges do not give rise to most of the effects listed in section 107, although it is noted that in some instances, the accumulation of contaminants that have been transported by stormwater may give rise to significant adverse effects on aquatic life in localised areas. This is a focus of the provisions of the AUP: OP and the priorities under the BPO for this application, and accordingly the discharge consent is not likely to result in any of the effects listed under s107(1)(c)-(g).

vi. An integrated, comprehensive region-wide management of the stormwater network will inevitably lead to superior environmental outcomes.

vii. Key issues of significance to mana whenua have been addressed and the conditions that have been imposed provide for ongoing engagement with mana whenua.

viii. The conditions of consent will enable key stakeholder and directly affected third parties, including community groups, to participate in the monitoring and review process.

ix. The review process will enable changes in legislation, environmental standards and stormwater management techniques to be incorporated into an updated consent.

x. The consent recognises the balance between growth and management of environmental effects, as expressed within the relevant provisions of the AUP: OP.

xi. The consent will enable the progressive upgrade of the stormwater network while managing Auckland's growth and giving effect to the intensification policies which are a key part of the AUP: OP.

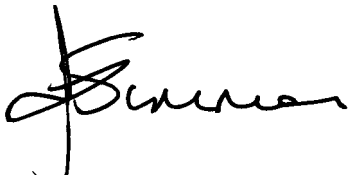
xii. The consent will promote the sustainable management of natural and physical resources as contemplated by Part 2 of the RMA.

Conditions

See attached.

Recommendation to Auckland Council Resource Consents Department

In order to further assist in the interpretation of the relevant AUP: OP provisions and how those provisions are applied in conjunction with this consent, the relevant provisions of the Auckland Council Stormwater Bylaw 2015 and the relevant provisions of the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater, version 2 dated 1 November 2015, that the Council issue an updated guidance note as soon as practicable.



Les Simmons

Chairperson

Monday 15 April 2019

Auckland Council – Stormwater Network Diversion and Discharge Consent Conditions

Scope and operation of consent

1. This consent (the Auckland Stormwater NDC) authorises diversions and discharges of stormwater from the Public Stormwater Network within existing and future urban areas (including special purpose zoned land and marina land) as set out in Schedule 1 of this consent, in accordance with Auckland Council application number DIS60069613, and authorises the following activities:

    a. Existing stormwater diversions to (including from existing road and other existing land uses) and discharges from the Public Stormwater Network at the time of commencement of this consent;

    b. New or changes to stormwater diversions and discharges from the renewal, maintenance, development or improvement of the Public Stormwater Network, subject to compliance with either:

        i. the performance requirements in Schedule 4; or

        ii. a Stormwater Management Plan—adopted in accordance with Schedule 8.

    c. New, or changes to existing, diversions and discharges resulting from:

        i. the increase of, or changes to, impervious areas from redevelopment, intensification, and/or land use change within existing urban areas that discharge to the Public Stormwater Network or

        ii. the increase of/changes to impervious areas from the development of greenfield areas where stormwater assets connect directly to, and/or are subsequently vested and become part of, the Public Stormwater Network;

    subject to compliance with the performance/connection requirements in Schedule 4 or a Stormwater Management Plan adopted in accordance with Schedule 8

Advice Note 1
*For the avoidance of doubt the following activities are **not** authorised under this consent:*

a. Discharge of contaminants from the activity area of an industrial and trade activity site;

b. Sediment discharges from earthworking;

c. Stormwater diversions and discharges from the existing or new road network:

i. *that discharge directly to a stormwater network that is not owned and operated by Auckland Council; and/ or*

ii. *that discharge directly to a freshwater or coastal natural environment or to ground;*

d. Stormwater diversions and discharges in rural zoned areas, other than stormwater discharges from urban areas that may enter rural areas;

e. Wastewater discharges and discharges from the combined sewer network;

f. Private network discharges and any associated stormwater infrastructure that directly connect to a stormwater network that is not owned and operated by the Auckland Council, and / or are not subsequently vested to the Auckland Council;

g. Any diversion of overland flowpaths and floodplains as a result of structures or land modification not authorised by the holder of this consent;

h. Physical works that give effect to the discharge consent.

i. All other discharges (not being stormwater) that are either permitted under the AUP (e.g. including those in E.4 of the AUP) or for which resource consent has been obtained.

Advice Note 2
This consent does not purport to alter the status of any activities currently permitted under the AUP and as such approval for permitted diversions is not required under this consent. Any activity that is permitted under the AUP may still require other approvals, including under any Council bylaw relating to the public stormwater network.

Advice Note 3
Redevelopment under Condition 1(c)(i) does not include:

(a) maintenance or repairs, such as:
  (i) pothole repairs to parking areas, driveways and paving; and
  (ii) painting of roofing and exterior cladding;
(b) resurfacing that does not involve re-direction of existing stormwater flows or drainage networks; and
(c) trenching and resurfacing associated with the installation, maintenance, repair and replacement of underground equipment, infrastructure or underground utility works.

As such, these minor activities do not constitute a change to existing diversions and discharges for the purposes of this consent.

Advice Note 4

Private stormwater networks authorised by a private diversion and discharge consent are not subject to the requirements of this consent, but may be permitted to connect to the public stormwater network subject to other approvals, including under any Council Bylaw relating to the public stormwater network.

2. The Public Stormwater Network shall be operated, maintained, improved and developed to meet the strategic objectives, outcomes and targets listed in Schedule 2, and in general accordance with:

   a. the Auckland Stormwater Network Discharge Consent Application (August 2017) and associated Appendices or any modifications that result from reviews undertaken pursuant to the conditions of the Auckland Stormwater NDC;

   b. the best practicable option methodology and prioritisation set out in Schedule 3;

   c. the requirements of Schedule 4, including in respect of increases/changes to stormwater flows from development and redevelopment where stormwater assets connect directly to, or become part of the Public Stormwater Network;

   d. the certification processes in Schedule 5;

   e. monitoring as required by Condition 37;

   f. any specific conditions set out in Schedule 7; and

   g. a Stormwater Management Plan adopted in accordance with Schedule 8 and listed in Schedule 10.

Commencement

3. This consent will not commence until all charges under section 36 of the RMA relating to the receiving, processing and granting of the Auckland Stormwater NDC have been paid in full to the Auckland Council.

Expiry

4. This consent expires on 26 November 2052.

Administrative charges

5. The Consent Holder shall pay the council an initial consent compliance monitoring charge of $5,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

Advice note:
The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The Consent Holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the Consent Holder.

6. The Consent Holder shall pay the Council's reasonable costs in carrying out its functions in terms of certification and monitoring under this consent.

Site access

7. The Consent Holder shall ensure that access to relevant parts of the Public Stormwater Network is available at all reasonable times to the Manager, to the extent that such access is within the Consent Holder's control, for the purpose of carrying out inspections, surveys, investigations, tests, measurements and to take samples.

Erosion protection

8. All new stormwater discharge structures shall be designed, constructed and managed to minimise material erosion at points of discharge.

Advice Note:
The works associated with erosion control measures may require separate consents.

Operation and Maintenance Plan

9. An Operation and Maintenance Plan for the operation and maintenance of the Public Stormwater Network shall be prepared and implemented by the Consent Holder. At a minimum the Operation and Maintenance Plan must include a description of the processes in place for, and key elements of, the operation and maintenance of the stormwater network, including:

    a. Maintenance of Council's stormwater asset register.

    b. Updating the asset register following commissioning and vesting of any new major stormwater network infrastructure or management assets under this consent.

    c. The frequency for updating the publicly available components of the register onto Council's GIS;

    d. An inspection and maintenance programme for network infrastructure to prevent or minimise erosion at discharge points, obstructions to flows and hazards.

    e. Pre and post storm monitoring processes of critical or at-risk components of the network to minimise blockages and flood risk.

    f. Incident reporting processes.

g. Maintenance requirements and schedules for infrastructure and asset types and a process for remedial actions.

h. An outline of the service standards to be achieved and how these are given effect to.

i. Compliance with any relevant conditions of the Auckland Stormwater NDC.

j. Any requirements that result from decisions on the Auckland NDC application number DIS60069613.

10. The Consent Holder shall review the Operation and Maintenance Plan at least every six years as part of the Stormwater Network Discharge Review (Condition 25). The Consent Holder may also review the Operation and Maintenance Plan at any time for operational purposes. Any changes to the Operation and Maintenance Plan must be certified in accordance with Condition 34.

11. The Consent Holder shall provide a copy of the Operation and Maintenance Plan to the Manager for certification that it meets the requirements of Condition 9, within six months of the commencement of this consent. This copy of the Operation and Maintenance Plan shall include any amendments that have been made during the processing of the Auckland Stormwater NDC application number DIS60069613.

Changes to Catchment Discharges

12. The Consent Holder shall maintain a register of all Assessments of Changes to Catchment Discharges prepared to support the development, renewal, maintenance or improvement of the public stormwater network. This register is to be made available to the Manager for review on request

Process for adopting a Stormwater Management Plan

13. Subject to Condition 14, a Stormwater Management Plan that is proposed after the commencement of this consent may be adopted by the Consent Holder into this consent by one of the following mechanisms: in accordance with Schedule 8, through a Plan Change, or through a change to conditions under section 127 of the RMA.

14. SMP that is proposed after the commencement of this consent may not be adopted through the process provided in Schedule 8 if:

a. The SMP imposes a more stringent standard than those set out in Schedule 4 on land owned or controlled by a party other than the requestor (third party property), and that party has not given their written approval; or

b. The SMP requires or relies on works on third party property, unless the third party has given their written approval; or

c. The SMP includes a discharge from a greenfields development into a ‘significant ecological area terrestrial’ or ‘significant ecological area marine’ as defined in the AUP via a new stormwater network that discharges directly into the significant ecological area or into a stream that then flows directly into a significant ecological area marine. This clause does not apply if the

discharge is via an existing stormwater network, including an existing network that has been upgraded or renewed.

15. Any proposed SMP that does not meet Condition 14 will require a 127 application (change to conditions) or a separate resource consent unless the SMP has been prepared to support a Plan Change and has been confirmed through that process. In this situation it can be adopted directly into Schedule 10 without further process. A stormwater management plan prepared to support a structure plan must be had regard to when developing an SMP to adopted into this resource consent for the same area (see Schedule 4).

16. The Consent Holder shall maintain a register(s) of approvals and adopted Stormwater Management Plans and update this register(s) within three months of each certification. This register is to be made available to the Manager on request. Adopted Stormwater Management Plans shall be made available to the public as soon as practicable following adoption.

Surrendering of existing stormwater discharge consents

17. The Consent Holder shall commence a process to surrender Existing Stormwater Consents within six months of the Auckland Stormwater NDC commencing. In surrendering Existing Stormwater Consents, the Consent Holder shall ensure that:

    a. *Existing Stormwater Consents* are assessed against the conditions of this consent before they are surrendered, in accordance with the process in Appendix I of the Auckland Stormwater NDC consent application;

    b. Any conditions on the *Existing Stormwater Consents* that are not covered by the conditions of the Auckland Stormwater NDC and that remain relevant shall be incorporated into Schedule 7, which forms part of the conditions of the Auckland Stormwater NDC. Amendments to Schedule 7 to incorporate additional conditions or to remove conditions from this schedule that are no longer relevant must be certified by the Manager in accordance with Condition 34; and

    c. Any stormwater management requirement of an existing Stormwater Consent or covered by an existing legal agreement between the Council and another party addressing stormwater management of a development, that are current and relevant shall be adopted as a SMP. This can be done by adopting the existing catchment or stormwater management plan in its entirety or in part as appropriate.

    d. Prior to surrendering an *Existing Stormwater Consent* that was granted after 31 January 2001 (unless otherwise stated below), it engages with the following parties to ascertain their views on what aspects of the consent need to be retained or imported into this consent:
        - Mana whenua with interests in the area to which the consent relates;
        - The Department of Conservation for those areas identified in its submission dated 19 March 2018 on the Auckland Stormwater NDC;
        - Parties relying on the consent for stormwater management to undertake greenfield or brownfield development.

- Parties relying on the consents for stormwater management relating to existing marinas, including consents granted prior to 31 January 2001.

18. The Consent Holder shall complete this process within 24 months of the commencement of this consent.

Adoption of Existing ICMPs and SMPs

19. The Consent Holder shall:

    a. Maintain a schedule of adopted ICMPs and SMPs (Schedule 10).

    b. Include in the schedule any ICMPs / SMPs approved after 1 January 2013.

Technical Reference Group (TRG)

20. Within three months of the commencement of the resource consent, the Consent Holder shall establish, and thereafter retain at its cost an independently appointed Technical Reference Group (TRG) to assist in a review and advisory role. The membership and method of appointment of the TRG shall comprise:

    a. A Professional Engineer with significant knowledge and experience of the development sector and the design and operation of stormwater networks within Auckland, appointed by the Chief Executive of Engineering New Zealand (or its successor).

    b. A full Member of the New Zealand Planning Institute (NZPI) with significant experience in development/stormwater planning within Auckland, appointed by the Chief Executive of the NZPI (or its successor).

        i. Two representatives with experience in Te Mauri o te Wai, including one with formal qualifications in an aspect of environmental science such as freshwater quality, ecology or similar; appointed by the Chair of Auckland Council's Mana Whenua Kaitiaki Forum or alternatively the Chief executive of the Auckland Council.

    Where the appointing or nominating role is declined by the organisation, that duty shall be undertaken by the Chief Executive of Auckland Council.
    Where the TRG is required to review information and provide advice the Consent Holder shall commission the TRG to prepare a report setting out the TRG's comments and advice (as is relevant) and submit this report to the Manager. For the avoidance of doubt the Consent Holder shall instruct the TRG to document and report any material differing views where they arise.

Mana Whenua Engagement Strategy

21. Within twelve months of the commencement of this consent, the Consent Holder shall prepare and implement a Mana Whenua Engagement Strategy, developed in conjunction with Mana Whenua. The purpose of the Strategy is to ensure that Mana Whenua are involved in the on-going implementation of the consent conditions, including (but not limited to) the Monitoring Strategy, the Triennial Stormwater Network Review and Report and the 6 yearly Stormwater Network Discharge Review.

Stormwater Management Plan Template

22. Within six months of the commencement of this consent, the Consent Holder shall prepare an updated Stormwater Management Plan Template. In preparing the updated Stormwater Management Plan Template the Consent Holder must:

    a. Have regard to the existing template provided in Appendix F of the NDC application and the requirements of Schedule 4;

    b. Consider the differing requirements for catchments / developments of varying scales and complexity;

    c. Engage with members of the development industry (active in stormwater management) on the template requirements; and

    d. Engage with mana whenua to appropriately provide for their involvement in stormwater management planning.

    The Consent Holder may subsequently amend the SMP Template at any time, following the same process.

    Advice Note

    The purpose of the template is to ensure all necessary information is included in the SMP and that while parties preparing SMPs will be invited to use the template, alternative formats will be accepted providing they include all necessary information.

Triennial Stormwater Network Review and Report

23. The Consent Holder shall undertake a 'Triennial Performance Report' addressing the following and provide this to the Manager:

    a. Register of Capital Works undertaken to achieve the Auckland Stormwater NDC objectives, outcomes and six-year targets set out in Schedule 2.

    b. Register of amendments to the Operation and Maintenance Plan.

    c. Updated register of adopted Stormwater Management Plans.

    d. The information from the Stormwater Monitoring Strategy and Programme required by Condition 37, including analysis of data, comparison against recognised guidelines (including those in the NPSFM), associated trends of relevance to the stormwater network and the implication of these.

    e. Engagement with mana whenua.

    f. Any changes to Council's Long-Term Plan that may affect the ability to achieve the Auckland Stormwater NDC outcomes and any changes to the Auckland Stormwater NDC that may be required as a result.

    g. A summary review of the above information, undertaken by the TRG.

24. The first 'Triennial Performance Report' shall be provided to the Manager by 1 February 2021. The second report shall be provided by 30 September 2023 and then every three years from that date. Where a 'Triennial Performance Report' is due to be provided at the same date as a Stormwater Network Discharge Review pursuant

to Condition 25, the information listed in Condition 23 may be incorporated into the Stormwater Network Discharge Review, and no additional Triennial Performance Report is required.

6 yearly Stormwater Network Discharge Review

25. The Consent Holder shall provide the Manager with a 'Stormwater Network Discharge Review' that outlines a review of the implementation of the Auckland Stormwater NDC for certification. The review shall include a summary of:

    a. The matters listed in Condition 23 (Triennial Stormwater Network Review and Report).

    b. Performance review against the Auckland Stormwater NDC objectives, outcomes and six-year targets set out in Schedule 2 and the wider BPO set out in Schedule 3.

    c. The information from the Stormwater Monitoring Strategy and Programme required by Condition 37, including analysis of data, comparison against recognised guidelines (including those in the NPSFM), associated trends of relevance to the stormwater network and the implication of these.

    d. The certified Operation and Maintenance Plan (Condition 9).

    e. Summary of the relevant Auckland Council's strategic documentation including the Council's current Long-Term Plan and Annual Plan.

    f. Review of best practice stormwater management technologies.

    g. Review of any:

        - legislative changes, including (without limitation) changes to the Unitary Plan; and

        - new or changed customary marine titles, Treaty of Waitangi settlements or any iwi management plans;

        that have relevance to the operation of the stormwater network and associated discharges.

    h. Review, and if necessary, update of climate change predictions to be adopted for design and management of the stormwater network.

    i. Identification of any changes that may be required in management processes, consent conditions, network discharges, consent objectives and outcomes and/or six-year targets.

    j. A summary of any updates to models, methodologies, and mapping undertaken to manage the stormwater network.

    k. Engagement undertaken with mana whenua in accordance with Condition 29.

    l. Consultation undertaken with stakeholders listed in Condition 30.

    m. Key areas of public feedback in accordance with Condition 31.

26. The first Stormwater Network Discharge Review shall be provided to the Manager by 30 September 2023, and then every six years from that date.

27. As a result of information from Condition 25, the Stormwater Network Discharge Consent Review shall identify any changes that are required to address unanticipated adverse effects and update the best practicable option for managing the Public Stormwater Network. This includes changes to:

    a. Management processes

    b. Objectives and outcomes

    c. Revised six-year targets

    d. Consent conditions including changes to connection requirements.

    Advice note:
    The Consent Holder may, under Condition 33, update the schedules and targets. Other changes may require an application under s127 of the RMA.

28. The Consent Holder shall provide a draft Stormwater Network Discharge Consent Review to the TRG, and commission it to undertake and report on an independent review of the material prepared in accordance with Conditions 23 and 25 with the aim of ensuring the outcomes of the Auckland Stormwater NDC are met and continue to represent current best practice. The TRG report shall be provided to the Manager when the Consent Holder seeks the Manager's certification of the Stormwater Network Discharge Review.

29. The Stormwater Network Discharge Review shall include engagement with iwi and mana whenua as provided below:

    a. Inform iwi authorities with mana whenua interests within the area subject to this consent of the intention to update the Stormwater Network Discharge Review three months prior to commencing the Review, and the timetable and opportunities for these iwi authorities to engage in the preparation of the Review.

    b. Engage with iwi authorities with mana whenua interests within the area covered by this consent, including receiving environment classifications, cultural values and all discharges to water.

    c. Prepare a summary of feedback from engagement, including highlighting any area of contention.

30. The six yearly Stormwater Network Discharge Review shall include engagement with the parties listed below, generally in accordance with the process outlined in Condition 29:

    a. Local Boards.

    b. Wastewater network utility operators within Auckland.

    c. Other stormwater network utility operators within Auckland.

d. Auckland Regional Public Health Service.

e. Relevant stormwater and development sectors.

f. The Property Council of New Zealand.

g. Metals New Zealand

h. Department of Conservation.

i. Oil Industry Environmental Working Group.

A summary of feedback from engagement shall be prepared, including highlighting any area of contention.

Community Engagement

31. The six yearly Stormwater Network Discharge Review shall provide for input from members of the public and public interest groups by:

a. Making a summary of the implementation of the NDC, relevant monitoring information and implications for the on-going implementation of the NDC publicly available and accessible;

b. Give details on the Council website, and any public Council general information publication distributed by the Council and place a public notice in the daily or weekly newspapers circulating in the region of:

i. The timetable for the six yearly review

ii. The information available and where it can be sourced

iii. How members of the public or interest groups can provide feedback and the timeframe to give responses which shall not be less than 30 working days

c. Preparing a summary of feedback that is received, including highlighting any key areas of feedback and matters that may be put forward for further consideration and engagement through Council's LTP process.

d. The process in Conditions 31 a. – c. shall be completed prior to the public notification of the following LTP.

32. The Consent Holder shall report back to those parties outlined in Conditions 29 and 30, and any party under Condition 31, who engaged in consultation/ provided feedback on the outcomes of the Stormwater Network Discharge Review, in particular the changes identified in Condition 27.

Amendments to the Consent Schedules and six-year Targets

33. Amendments to the Schedules of this consent and/or to the six-year targets including, but not limited to, the inclusion of new schedules or targets and amendments resulting from the review undertaken in accordance with Conditions 25 - 32, are authorised under this consent where these proposed amendments are certified by the Manager to be in accordance with the Auckland Stormwater NDC Strategic Objectives and Outcomes provided in Schedule 2.

    For the avoidance of doubt, changes to the Strategic Objectives and Outcomes in Schedule 2 can only be made through an application to change the conditions of this consent through s127 of the RMA.

Manager's Certification Process

34. The Consent Holder shall obtain Manager's certification for:

    a. Amendments to Schedule 7 to incorporate any relevant conditions adopted from existing consents that are surrendered or to remove any conditions that have been given effect to or superseded by this consent (Condition 17) and to confirm that the relevant stormwater management requirements in an existing consent or covered by an existing legal agreement between the Council and another party addressing stormwater management of a development, are appropriately incorporated into an adopted SMP (as required).

    b. The six-year Stormwater Network Discharge Review set out in Condition 25.

    c. Amendments to the schedules of this consent and/or to the six-year targets, including the inclusion of new schedules or targets, that are in accordance with the Auckland Stormwater NDC Strategic Objectives and Outcomes in Schedule 2 (Condition 33).

    d. The Operation and Maintenance Plan and associated changes as set out under Conditions 9 - 11.

    e. The mitigation of new or changes to stormwater discharges resulting from the renewal, maintenance or improvement of the public stormwater network infrastructure owned and operated by Auckland Council that do not meet the requirements of Schedule 4 but which are identified as the BPO for a given project.

    f. Any refinement to the NDC BPO (Schedule 3), noting that in accordance with Figure 11.1, major changes to the NDC BPO will require a change to the conditions of this resource consent under either section 127 or section 128 of the RMA.

    g. The Auckland Stormwater NDC Monitoring Programme (Conditions 37 – 39 and Schedule 6) and subsequent changes to this monitoring programme to ensure that the programme is consistent with the Monitoring Framework provided in evidence to the hearing of Consent Application: DIS60069613.

35. In seeking the Manager's certification, the Consent Holder shall provide information necessary to enable certification requirements.

Advice Note
The Manager or the Consent Holder may request the TRG to undertake an assessment and recommendation report to be considered in the certification process. The Manager, either of their own accord or at the request of the Consent Holder, may appoint an experienced independent person who is a Certified Hearings Chairperson to exercise the Manager's certification function.

36. Amendments to the consent, six-year targets, Schedules and the BPO are authorised under this consent once these proposed amendments are certified by the Manager or a change in conditions of consent has been approved.

Monitoring Strategy

37. Within twelve months of the commencement of this consent, the Consent Holder shall prepare an Auckland Stormwater NDC Monitoring Strategy and associated programme and provide this to the Manager for certification. The Monitoring Strategy and programme shall consider and incorporate to the extent relevant to the NDC and BPO the monitoring elements provided below and depicted in Schedule 6:

a. Long term State of the Environment (SoE) monitoring;

b. Freshwater Management Tool (in development);

c. Healthy Waters monitoring

- Hydrology – Rain and Flow
- Catchment specific monitoring and catchment changes
- Stream assessment

d. Targeted monitoring

- Sediment
- Emerging contaminants
- Gross Pollutants and Plastics

e. Intervention effectiveness [of the Best Practicable Option] monitoring

- Stormwater Device Performance
- Water Sensitive Design

f. Safeswim

- Safe Networks

g. Compliance with the conditions and schedules of this consent

h. Ngā tohu o te mauri o te wai (cultural monitoring)

i. Asset monitoring

j. Monitoring of on-site stormwater devices associated with SMPs adopted and implemented under this consent (Schedule 10).

38. The Consent Holder shall ensure that the certified Stormwater NDC Monitoring Programme is implemented in accordance with the requirements of that programme.

39. The Consent Holder may seek changes to the certified Stormwater NDC Monitoring Programme subject to obtaining Manager's certification for these changes and alternative monitoring programmes (Condition 37). Certification shall be based on the following criteria:

a. Ensure the programme monitors the performance of the network and potential impacts to assess whether the objectives outcomes of the consent are achieved;

b. Provide relevant and reliable information to inform the Triennial and 6-yearly reviews

provided that the Consent Holder may elect to monitor additional elements without the need for certification provided there is no change or reduction in the approved Monitoring Programme. In this case the Manager shall be informed of the additional elements to be included within the Monitoring Programme.

Public information

40. The Consent Holder shall make the following information publicly available and update this information where necessary:

a. Indicative maps of flood hazards.

b. Indicative maps of the public drainage network.

c. Adopted Stormwater Management Plans pursuant to Conditions 13, 14 and 15.

d. The Triennial Stormwater Performance Review and Report and the Stormwater Network Discharge Review and Report.

e. The six-yearly review documentation and outcome.

f. Requirements for connections to the public stormwater network including (as relevant):

i. Auckland Council's Code of Practice for Land Development and Sub-division (Stormwater);
ii. Auckland Council's Stormwater Bylaw;
iii. Schedule 4;
iv. Other connection requirements.

Advice Note
Public access can be provided through Council's website/GIS system.

Review

41. The conditions of this consent may be reviewed by the Council pursuant to section 128 of the RMA (with the costs of the review process being borne by the Consent Holder) by the giving of notice, pursuant to section 129 of the RMA:

    a. In September to December 2023 and thereafter at six yearly intervals;

    b. At any time to address any unanticipated adverse effects that arise from the exercise of the consent or to adopt any new requirement of a National Policy Statement, National Environmental Standard.

42. The review under Condition 41 may only be for one or more of the following purposes:

    a. To address any material adverse effects on the environment, that in the opinion of the Council, were not assessed by this consent and which may arise from the exercise of the consent, or upon which the exercise of the consent may have an influence, including, but not limited to:

        i. modifying existing conditions, to require the Consent Holder to identify the character or nature of any discharges authorised by this Consent and to report the results of any monitoring or investigations to the Manager;

        ii. consideration of the conditions of this consent that may relate to the matters contained in s.108(4) of the RMA or any Act in substitution thereof.

        iii. inserting conditions, or modifying existing conditions, including the attached schedules to this consent, related to the selection and/or implementation of the BPO to prevent or minimise any adverse effects on the environment resulting from the diversions and discharges authorised by this consent.

    b. To insert conditions, or modify existing conditions to the extent necessary to give effect to or reflect any new RMA instruments including any National Policy Statement, National Environmental Standard and the Auckland Unitary Plan, where the Policies, Rules and Standards are material in the opinion of the Council.

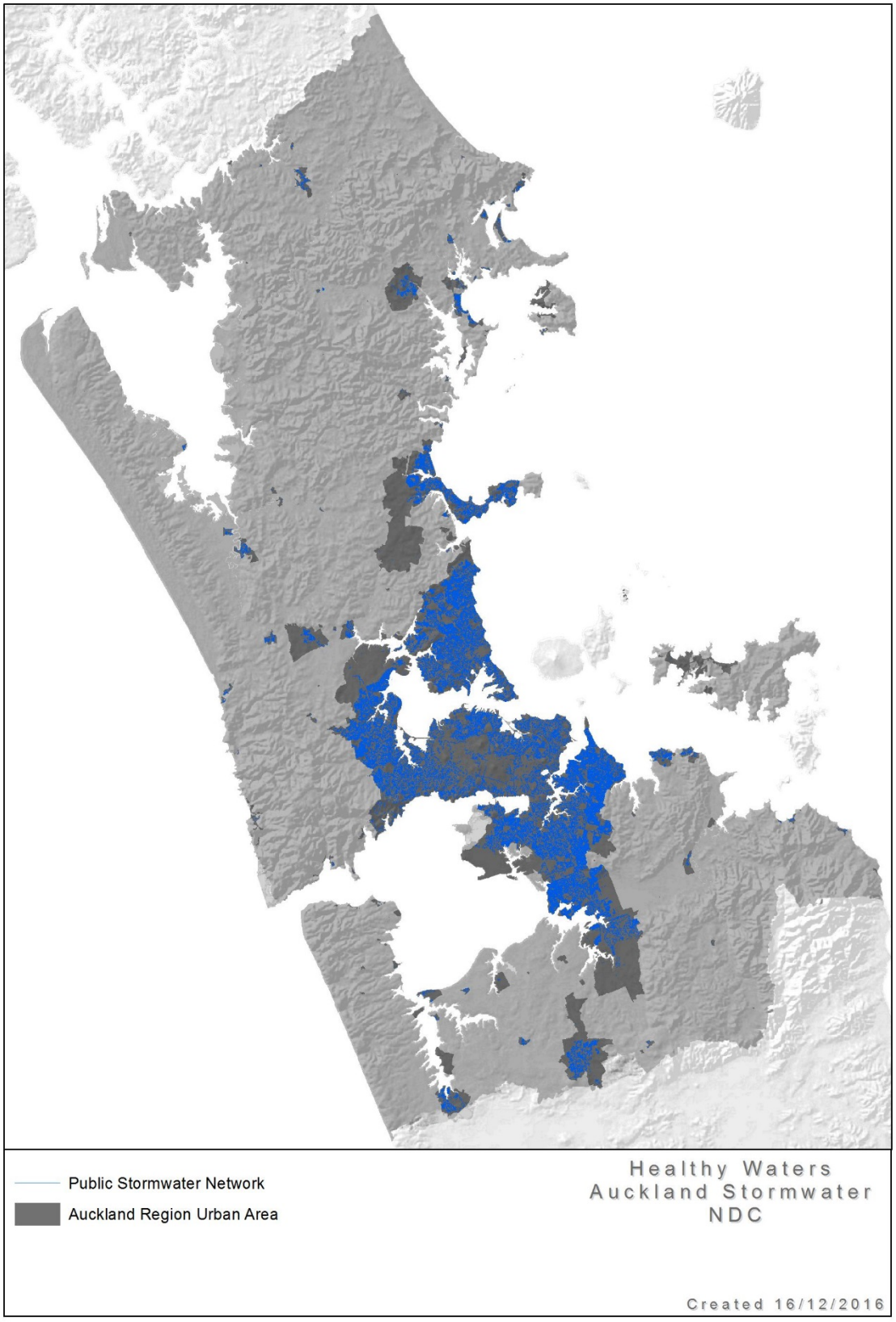
    c. To take account of changes in the objectives or targets of this consent, or changes in the science or engineering of stormwater discharges resulting in changes to stormwater best practice.

    d. Should there be a change in the accountability for the combined network, resulting in the wastewater authority being no longer fully accountable for the stormwater component of the wastewater network.

Schedules (These form part of the conditions of consent):

Schedule 1: Map of the 'urban' area and current extent of the public stormwater network
Schedule 2: Auckland Stormwater NDC Strategic Objectives, Outcomes and Six year targets
Schedule 3: Best Practicable Option
Schedule 4: Requirements for changes to be authorised under the Auckland Stormwater NDC
Schedule 5: Certification Processes
Schedule 6: Monitoring Programmes
Schedule 7: Conditions of Consent Retained from Existing Consents
Schedule 8: Process for adopting a Stormwater Management Plan
Schedule 9: Definitions - Definitions of terms use in the Conditions
Schedule 10: Adopted or Transferred Stormwater Management Plans

Schedule 1: Map of the 'urban' area and current extent of the public stormwater network



Schedule 2: Auckland Stormwater NDC Strategic Objectives, Outcomes and Six yearly targets

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
ISSUE 1: ASSETS			
I1 The ability of the stormwater network to cost effectively meet the needs of current and future generations and achieve and maintain healthy receiving environments, is dependent on the design, quality, maintenance and renewal of built assets and their interaction with private networks and natural systems.	**Safe Communities:** Risk to our communities, including people, property and infrastructure is reduced - ensure that risk to people and property is managed to levels that have been established in consultation with the community, and reduce existing flood risk where it is above these levels. **Healthy and Connected Waterways that provide for te mauri o te wai:** Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways. .	O1.1 Manage existing public stormwater assets to meet agreed levels of service. O1.2 Manage erosion effects caused by discharges from the public stormwater infrastructure. O1.3 Improve existing assets by taking the opportunities from redevelopment where they arise.	*Council Stormwater Infrastructure Performance Standards (all DC)* a) Survey 95% of critical assets every 5 years (AMP) b) Grade 4 critical assets will be repaired or renewed within 5 years (2015 - 2045 AMP) c) Grade 5 highly critical assets will be repaired or renewed within 24 months of identification (AMP) d) Number of blockages in the stormwater network per 100km will be less than 20 per annum (AMP) e) The number of complaints received about the performance of the stormwater network per 1000 properties connected to Auckland Council's stormwater network will be less than 3 per 1000 (LTP) f) Stormwater manholes that pop open in flood events are made safe within two hours: 100% (LTP) *Identified Reviews and Management Improvements for Managing the Council's stormwater infrastructure (all DC)* g) Review vesting processes to ensure that assets from proposed development meet the requirements of AUP, NDC and Stormwater Code of Practice - measured by annual audit of a sample of vested assets. Process improvements as identified through the audit h) Implement identified stormwater asset management improvement measures (ongoing Business as Usual (BAU)) i) Complete asset and risk assessment of public coastal (completed) and stream outfalls (WA programme) - 2017/18 watercourse assessments completed (Figure 9.5)

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
			j) Complete condition and risk assessments of large public stormwater dams (completed by 2023) k) Ongoing review of criticality strategies and assessments for all asset types. Renewal strategy has been completed; critical flood risk asset monitoring strategy in place. Improvements implemented as identified (BAU) l) Review complaints to identify potential issues and renewals (BAU, three yearly reporting of summary statistics from issues register) Note: Progress reporting on AMP targets will be undertaken via the Stormwater AMP <u>*Collaboration with Stakeholders*</u> m) Regularly engage with other infrastructure providers on collaborative redevelopment opportunities (Co) n) Implementation and review of the Stormwater Code of Practice and Bylaw (IC)
ISSUE 2: GROWTH			
I2 The way the region grows and develops, and our ability to address existing adverse effects, will determine the quality and health of our freshwater and marine environment.	**Support Growth:** Growth through water sensitive development and provision of quality stormwater infrastructure is enabled - new and re-developed areas are supported by effective stormwater management and good quality infrastructure and development is undertaken in a way that meets the needs of our communities and maintains and enhances natural water systems.	O2.1 Align stormwater infrastructure planning and provision to development and intensification priorities. O2.2 Integrate water sensitive design into new and major re-development. This can include promoting source control, at source treatment, bioretention, detention and attenuation, and protection and enhancement of streams.	<u>*Council Stormwater Infrastructure Performance Standards (all DC)*</u> a) Input into stormwater management plans, including those prepared by developers, in response to all high priority growth areas during structure planning and consenting processes b) 95% of formal enquires to stormwater development are responded to within 5 working days (AMP) c) At least 95% of annual capital works programme to enable growth is delivered (AMP) d) >$100,000 of other Council departments or CCOs growth projects are supported by the HW capital investment each year (AMP)

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
		O2.3 Enable effective land use and stormwater management planning and co-operation between developers and infrastructure providers. O2.4 Establish clear standards and processes for the planning, and development of good quality public stormwater infrastructure, particularly in terms of minimising operational and renewal costs, as well as minimising community, environmental and cultural effects. Q2.5 Develop a coordinated process for management of stormwater approvals including NDC approvals, Stormwater Bylaw, AUP and Engineering Plan Approvals. Q2.6 Develop, in conjunction with industry, a practice note or engineering guideline for stormwater management requirements in a brownfield development.	*Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure* e) Provide updated guidance on the criteria for assets to be vested to Council and connections following approval of the NDC within one year of the granting of consent (DC) f) Facilitate stream rehabilitation through identification of opportunities for offsetting through growth (initial list of offsetting projects completed, ongoing update as new opportunities arise) (IC) *Collaboration with Stakeholders* g) Assist in the implementation of stormwater management/land use requirements under the AUP, including advocating for water sensitive design in new growth / major intensification areas (IC) h) Implementation and review of the Stormwater Code of Practice and Bylaw (IC) i) Assist in development and implementation of guidance on Water Sensitive Design; including Guideline GD04 (IC)
ISSUE 3: FLOODING			
I3 A large number of buildings (residential and commercial) and critical infrastructure are at risk of flooding and the	**Safe Communities:** Risk to our communities, including people, property and infrastructure is reduced - ensure that risk to people	O3.1 Avoid the increase of existing flooding or creation of new flooding of habitable floors as a result of urban	*Council Stormwater Infrastructure Performance Standard (all DC)* a) Council flood hazard GIS layer is maintained so that it is current and publicly available; reviewed on a two-yearly basis

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
problem will increase if past land use and development practices continue.	and property is managed to levels that have been established in consultation with the community, and reduce existing flood risk where it is above these levels.	development and intensification. O3.2 Reduce existing flood risk by taking the opportunities from redevelopment where they arise. O3.3 Manage existing flood risk to meet levels of service agreed to keep people and property safe from significant harm from flooding, and minimise disruption to critical social and physical infrastructure connections across the city. O3.4 Improved community understanding of, and resilience to, flood hazards.	b) The number of flooding events and the associated number of habitable floors affected: less than 1 per 1000 properties in Auckland per annum (LTP) c) Proportion of habitable floors protected from flooding in a 1 in 10-year storm: > 99% (AMP) d) Total habitable floors protected from flooding in a 1 in 100-year storm: > 97.5% (AMP) e) Median response time to attend a flooding event, measured from the time that Auckland Council receives notification to the time that service personnel reach site: < 2 hours (LTP) f) Major flood protection and control structures are maintained, repaired and renewed to a safe operating standard (AMP – mandatory national measure - however there are no such structures in Auckland) *Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure* g) Provide updated guidance on the criteria for assets to be vested to Council following approval of the NDC (as above, within one year of the granting of consent) (DC) h) Flood resilience strategies are in place for habitable floors that are found to be unfeasible to protect from flooding within 10 years: >50% (IC) (AMP) *Collaboration with stakeholders-* i) Work with Civil Defence in identifying areas of flooding that pose a risk to life, as well as to critical infrastructure (Co) j) Assist in the implementation of stormwater management/land use requirements under Unitary Plan, including protection of floodplains and overland flowpaths to prevent flooding from new development (IC) k) Implementation and review of the Stormwater Code of Practice and Bylaw (IC) l) Assist in development and implementation of guidance on Water Sensitive Design, including Guideline GD04 (IC) m) Regularly engage with Local Boards regarding local flooding issues (Co)

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
			n) Regularly engage with other infrastructure providers on redevelopment opportunities and identification of critical infrastructure (Co)
ISSUE 4: STREAM HEALTH			
I4 Urbanisation and poor stormwater management adversely affects Auckland's urban streams and can cause a loss of aquatic habitat and biodiversity, resulting in biological degradation and impacts on ecological functioning of streams, on the community and on the mauri of freshwater and Maori customary uses of freshwater resources.	**Healthy and Connected Waterways that provide for te mauri o te wai:** Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.	O4.1 Maintain, operate and develop Council's current and future public stormwater network to minimise and reduce adverse effects on streams, groundwater and coastal systems. O4.2 Enhance urban streams and waterways by working collaboratively with key stakeholders such as mana whenua, Local Boards, community groups and the development community to take opportunities where they arise.	*Council Stormwater Infrastructure Performance Standards* a) Number of fish passage barriers mitigated: average 10 per year (DC) b) The ratio of the length of watercourse consented to be physically improved versus physically degraded in each year (kms Improved ÷ kms Degraded) 3 or more (LTP). (IC, Co, In) *Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure* c) Complete asset and risk assessment of public coastal (completed) and stream outfalls (WA programme) - 2017/18 watercourse assessments completed (Figure 9.5) (DC) d) Complete a case study assessment of possible interventions on private streams, taking into account amongst other things ownership, liability and access issues within three years (DC) e) Implement Healthy Waters' Green Infrastructure Policy for Healthy Waters' capital works projects (ongoing BAU) (DC) f) Incorporate the Mauri model[2] into Healthy Waters' capital delivery project assessments - model developed, ongoing implementation for all significant projects (DC, Co) g) Develop a region wide decision support system to prioritise interventions for contaminant management purposes (part of Council's implementation of the NPSFM) and implement projects to improve water quality outcomes where opportunities are identified (completed by 2021) (DC)

[2] The Mauri-model is a best practice tool that can be used to effectively measure and assess cultural impacts of stormwater operations and programmes as part of the project scoping, prioritisation and cost-benefit analysis process. See All Issues/Collaborative Outcomes below – this tool will be developed in conjunction with Mana Whenua

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
			Collaboration with stakeholders h) Work with internal and external stakeholders to identify potential collaboration projects for the enhancement of streams (Co) i) Facilitate stream rehabilitation through identification of opportunities for offsetting through growth (initial list of offsetting projects completed, ongoing update as new opportunities arise) (IC) j) Assess feasibility of Council-wide database on stream information (Co) k) Assist in the education and implementation of guidance on Water Sensitive Design; this includes protection of streams, provision of riparian buffers and protection of base flow and other stream enhancement measures (IC) l) Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants.
ISSUE 5: COASTAL HEALTH			
I5 Stormwater contaminants, sourced from urban land use, stream erosion and transport activities, accumulate in low energy marine environments (such as estuaries and enclosed harbours) and in some areas, occur at levels that adversely affect marine life, community and Maori cultural values, and once diminished, affects Maori customary uses of coastal resources.	**Healthy and Connected Waterways that provide for te mauri o te wai:** Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.	As for O4.1 above As for O4.2 above	*Council Stormwater Infrastructure Performance Standards* a) Volume of contaminants removed from the stormwater network via Auckland Councils maintenance and renewal programmes: 5,000 tons per annum for catchpits (AMP) (DC) b) Volume of contaminants removed from the stormwater network via Auckland Councils maintenance and renewal programmes: 10,000 tons per annum from de-silting ponds and wetlands (AMP) (DC) *Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure* c) Provide updated guidance on the criteria for assets to be vested to Council and connections following approval of the NDC within one year of the granting of consent (IC) d) As for Stream Health:

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
			Develop a region wide decision support system to prioritise interventions for contaminant management purposes (part of Council's implementation of the NPSFM) and implement projects to improve water quality outcomes where opportunities are identified (completed by 2021) (DC) *Collaboration with stakeholders* e) Work with mana whenua and other parties to identify areas of safe consumption of kaimoana/mahinga kai and other aspects of coastal health and values (NPSFM –part of watershed implementation plans) (Co) f) Assist in the education and implementation of guidance on Water Sensitive Design; this includes provisions in respect of at-source reduction and on-site treatment and management of contaminant generating areas (IC) g) Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants.
ISSUE 6: GROUNDWATER			
I6 Groundwater aquifers underlying urban areas can be adversely affected by land development and stormwater discharges to ground soakage.	**Healthy and Connected Waterways that provide for te mauri o te wai**: Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways	As for O4.1 above As for O4.2 above	*Council Stormwater Infrastructure Performance Standards* a) As for Managing Effects on Coastal Health, focusing on managing contaminants to aquifers *Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure* b) As for Managing Effects on Coastal Health, focusing on managing contaminants to aquifers c) Prepare guidance for soakage device design, including treatment requirements (TR2013/40 completed, ongoing implementation) *Collaboration with stakeholders* d) Assist in development and implementation of guidance on Water Sensitive Design; including recharge of high use aquifers, peat soils and stream baseflow (IC)

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
			e) Input into the implementation and review of the Stormwater Code of Practice and Bylaw (IC) f) Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants.
ISSUE 7: EFFECTS ON WASTEWATER SYSTEM			
I7 In parts of Auckland, particularly where there is a combined stormwater-wastewater network, flood waters are contaminated with wastewater which can cause a public health risk, especially in areas with high contact recreation, and affects the Mauri of the waterbody and thereby has an effect on social and Maori cultural values.	**Healthy and Connected Waterways that provide for te mauri o te wai:** Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways	As for O4.2 above	*Collaboration with stakeholders (all Co)* a) Develop a strategy for investigation and management of identified issues relating to cross contamination b) Collaborate with Watercare Services Ltd to identify the optimal solution to reduce overflows to the receiving environment for public and environmental health reasons for the central combined sewer area (Western Isthmus Water Quality Improvement Programme (WIWQIP) c) Regularly engage with Watercare Services Ltd and Building Control to identify and assess inflow and infiltration issues and collaboratively design and implement infrastructure upgrades
ISSUE 8: COMMON TO ALL ISSUES			
	Collaborative Outcomes: Stakeholders are engaged to achieve the best stormwater outcomes including for te mauri o te wai for present and future generations.	O8.1 Collaborate with Council departments and CCOs that have a key role in delivering positive stormwater outcomes. O8.2 Build constructive, working relationships with key stakeholders to achieve integrated stormwater	*Council Stormwater Infrastructure Performance Standards (DC)* a) Proportion of mana whenua that are satisfied with Auckland Council's engagement with iwi in relation to stormwater projects: 10/19 or more (LTP) b) Percentage of projects that contribute to Maori outcomes: at least 95% (AMP) c) >$100,000 of other Council departments or CCOs growth projects are supported by the HW capital investment each year (AMP)

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
		solutions and cost effective outcomes. O8.3 Establish effective mechanisms for mana whenua to be appropriately engaged in stormwater management. This includes recognising and actively working to operationalise and integrate the relationship and cultural values mana whenua have with their waterways O8.4 Work with the stormwater industry to continue to identify, refine and communicate best practice and increase industry capacity, resources and knowledge.	d) Compliance with NDC – number of abatement notices, infringement notices, enforcement orders or successful prosecutions: 0 (zero) (AMP) <u>*Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure*</u> e) Take into account and be cognisant of current or future Iwi Management Plans (DC) <u>*Collaboration with stakeholders (Co)*</u> f) Develop and integrate, in partnership with mana whenua, best practice tools which can be used to effectively measure and assess cultural impacts of stormwater operations and programmes as part of the project scoping, prioritisation and cost-benefit analysis process (Mauri-model) - model developed, ongoing implementation for all significant projects g) Establish a draft process to operationalise and integrate the relationship and cultural values mana whenua have with their waterways. This includes annual reporting on mana whenua engagement efficacy in order to determine when engagement took place in a project, what the value of the input was, and how mana whenua feedback was (or was not) incorporated h) Regular engagement with iwi to assess implementation via the mana whenua hui
	Prioritised Investment: Benefits from limited resources are maximised by targeting our priorities to achieve the best outcomes we can afford	O8.5 Undertake regional prioritisation that targets investment in the right areas, as agreed within Council, with mana whenua and our community and in accordance with the Auckland Plan vision and statutory requirements. O8.6 Establish levels of service that are relevant and affordable.	

ISSUE	OBJECTIVES	OUTCOMES	SIX YEAR TARGETS (LTP and AMP performance standards will be updated following reviews)
	Efficient Business: Robust systems, processes, practices and management are implemented to support delivery of stormwater services	O8.7 Undertake efficient and effective network operational, renewals and maintenance programmes. O8.8 Regionalise stormwater management through harmonisation of standards, contracts and business processes. O8.9 Provide fit for purpose information systems and business tools. O8.10 Undertake efficient and effective response to customers and incidents. O8.11 Rationalise network consents and compliance requirements. O8.12 Monitor and report performance.	*Council Stormwater Infrastructure Performance Standards (DC)* As per AMP targets above.

Schedule 3: Best Practicable Option

BPO for Managing Assets

a) Issue definition

The ability of the stormwater network to cost effectively meet the needs of current and future generations, and achieve and maintain healthy receiving environments at an affordable cost, is dependent on the design, quality, maintenance and renewal of built assets and their interaction with private networks and natural systems.

b) Strategic Objective for Managing Assets

Safe Communities: Risk to our communities, including people, property and infrastructure is reduced - ensure that risk to people and property is managed to levels that have been established in consultation with the community, and reduce existing flood risk where it is above these levels.

Healthy and Connected Waterways that provide for te mauri o te wai: Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.

c) Proposed NDC Outcomes for Managing Assets

- Manage existing public stormwater assets to meet agreed levels of service.
- Manage erosion effects caused by discharges from the public stormwater infrastructure.
- Improve existing assets by taking the opportunities from redevelopment where they arise.

d) Stakeholder Feedback from CRE-based Consultation

The consultation feedback relating to asset management from the four CREs was very closely aligned. There was a high level of support (94%, 74%, 78% and 72% of stakeholders from the Waitematā Harbour, Greater Tāmaki, Manukau Harbour and Hibiscus / East Coast Bays CREs respectively) for 'asset condition and criticality' as the key criterion that should be used to prioritise asset management expenditure. With respect to the Hibiscus / East Coast Bays CRE, the stakeholders wanted to see a focus on above ground built natural assets and stream assets. Managing impacts on existing communities was also seen as important in all CREs, and this criterion was ranked higher than asset condition and criticality in the Hibiscus / East Coast Bays CRE.

e) Regional Prioritisation Processes to Identify Areas of Further Detailed Investigation for Potential Infrastructure Development and Upgrades

- Regional asset renewal strategies (DC):

  Figure 9-3 depicts the results of the assessment completed under the regional asset renewal strategy for pipes. This identifies, at a high regional level, proportions of potentially critical pipes and the length of critical pipes in each catchment. Critical pipes have been defined based on parameters such as age and material, as well as factors such as their diameter, depth, proximity to critical infrastructure (such as hospitals), those underneath buildings or roads, in high density urban areas, in a landfill and in depressions.
- Within Growth Priority Areas, including as part of redevelopment opportunities with other infrastructure providers (refer Table 9 2) (IC, Co).

f) Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues

- Critical pipes will be subject to further assessment through CCTV monitoring and, where issues are confirmed, potential infrastructure upgrades will be investigated (DC).

  Potential infrastructure upgrades that can be used to address critical pipes include:
  - Pipe rehabilitation/replacement
  - Diversion a portion or the whole upstream catchment
  - Increasing hydraulic capacity
  - Extend existing reticulation system to un-reticulated properties
  - Daylighting/naturalisation
  - Improved channel conveyance

  The recommended upgrade for an area will be reviewed and selected based on a range of factors including feasibility of implementation, effectiveness, and cost, as well as opportunities for water sensitive solutions. It must be recognised that, after further investigation, some critical pipes may not be practically or economically resolved through infrastructure upgrade and therefore will need to be managed using other mechanisms.

g) Management Processes other than the Identification of Infrastructure Development and Upgrades

The following management applies to all public stormwater infrastructure for managing assets:

- Ensure adequate asset maintenance of existing stormwater network through preventive and reactive programmes (DC).
- Enforce appropriate performance standards on connections/vested assets through the Stormwater Bylaw (IC).
- Maintain and update asset management database (DC).
- Continue to develop, review and implement criticality assessment strategies for all asset types (DC).
- Respond to complaints and regularly review complaints to identify potential issues and renewals (DC).
- Regularly work with other infrastructure providers on redevelopment opportunities, including incorporation of water sensitive design (Co).
- Work collaboratively with other departments and stakeholders when delivering projects to ensure that opportunities to add value and minimise disruption are realised (Co).

h) Proposed six-year NDC targets

Council Stormwater Infrastructure Performance Standards (all DC)

a) Survey 95% of critical assets every 5 years (AMP).

b) Grade 4 critical assets will be repaired or renewed within 5 years (2015 -2045 AMP).

c) Grade 5 highly critical assets will be repaired or renewed within 24 months of identification (AMP).

d) Number of blockages in the stormwater network per 100km will be less than 20 per annum (AMP).

e) The number of complaints received about the performance of the stormwater network per 1000 properties connected to Auckland Council's stormwater network will be less than 3 per 1000 (LTP).

f) Stormwater manholes that pop open in flood events are made safe within two hours: 100% (LTP).

Identified Reviews and Management Improvements for Managing the Council's stormwater infrastructure

g) Review vesting processes to ensure that assets from proposed development meet the requirements of AUP, NDC and Stormwater Code of Practice - measured by annual audit of a sample of vested assets. Process improvements as identified through the audit (DC).

h) Implement identified stormwater asset management improvement measures (ongoing BAU) (DC).

i) Complete asset and risk assessment of public coastal (completed) and stream outfalls (WA programme) - 2017/18 watercourse assessments completed (Figure 9.5) (DC).

j) Complete condition and risk assessments of large public stormwater dams (completed by 2023) (DC).

k) Ongoing review of criticality strategies and assessments for all asset types. Renewal strategy has been completed; critical flood risk asset monitoring strategy in place. Improvements implemented as identified (BAU) (DC).

l) Review complaints to identify potential issues and renewals (BAU, three yearly reporting of summary statistics from issues register) (DC).

Note: Progress reporting on AMP targets will be undertaken via the Stormwater AMP.

Collaboration with Stakeholders

m) Regularly engage with other infrastructure providers on collaborative redevelopment opportunities (Co).

n) Implementation and review of the Stormwater Code of Practice and Bylaw (IC).

a)	**Issue definition**
The way the region grows and develops, and our ability to address existing adverse effects, will determine the quality and health of our freshwater and marine environment.	
b)	**Strategic Objective for Managing Effects of Growth**
Support Growth: Growth through water sensitive development and provision of quality stormwater infrastructure is enabled - new and re-developed areas are supported by effective stormwater management and good quality infrastructure and development is undertaken in a way that meets the needs of our communities and maintains and enhances natural water systems.	
c)	**Proposed NDC Outcomes for Managing Effects from Growth**
▪	Align stormwater infrastructure planning and provision to development and intensification priorities.
▪	Integrate water sensitive design into new and major re-development. This can include promoting source control, at source treatment, bioretention, detention and attenuation, and protection and enhancement of streams.
▪	Enable effective land use and stormwater management planning and co-operation between developers and infrastructure providers.
▪	Establish clear standards and processes for the planning, development and vesting of good quality public stormwater infrastructure, particularly in terms of minimising operational and renewal costs, as well as minimising community, environmental and cultural effects.
▪	Develop a coordinated process for management of stormwater approvals including NDC approvals, Stormwater Bylaw, AUP and Engineering Plan Approvals.
▪	Develop, in conjunction with industry, a practice note or engineering guideline for stormwater management requirements in a brownfield development
d)	**Stakeholder Feedback from CRE-based Consultation**
In all four CREs, the 'sensitivity of the receiving environment' criterion was ranked highly in respect of prioritising stormwater resources for growth. In the Waitematā Harbour and Greater Tāmaki CREs, there was a clear preference for 'council-identified priorities' relating to growth and an emphasis on a 'partnership-led' approach to growth for the Hibiscus / East Coast Bays CRE. All three CREs showed a general lack of support (low ranking) for developer-led priorities. The Manukau Harbour CRE stakeholders, however, showed a high level of support for 'development-led' growth.	
e)	**Regional Prioritisation Processes to Identify Areas for Further Detailed Investigation of Potential Infrastructure Development and Upgrades**
▪	Alignment with Council Growth Priority Areas (IC) Healthy Waters will align its work with growth priority areas as identified by the council. The growth priority areas identified by Council in late 2015 are shown in Figure 9-4. These areas include Special Housing Areas (see Figure 3-4), and other development identified under the Forward Land and Infrastructure Programme (FLIP) and the Future Urban Land Supply Strategy (FULSS). It should be noted that these areas are periodically updated by Council, and as such Healthy Waters will need to review and realign programmes as work is delivered and priorities change.
f)	**Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues**
▪	Healthy Waters will work with Council planners, the Development Project Office and developers in the compiling stormwater management plans for these growth areas, promoting water sensitive design (IC).
▪	Heathy Waters will continue to deliver its capital works programme to support growth including renewals, upgrades and performance improvements.
g)	**Management Processes other than the Identification of Infrastructure Development and Upgrades**
The following management applies to all public stormwater infrastructure for managing growth:	
▪	Set out clear performance and connection standards for stormwater assets to be vested to Council from development or for new/modified connections (Schedule 4) (DC). Where a development seeking to vest assets cannot meet these standards, it must demonstrate to and obtain approval from Healthy Waters that the proposed stormwater management approach and infrastructure is fit for purpose and consistent with the NDC Outcomes.

- Provide information to the development community such as flood modelling, design guidance and requirements, and clear asset information (IC).
- Work with other infrastructure providers to identify collaborative upgrade projects and redevelopment opportunities, including opportunities for incorporating water sensitive design (CO).
- Work collaboratively with other departments and stakeholders when delivering projects to ensure that opportunities to add value and minimise disruption are realised (CO).
- Refine and communicate guidance on stormwater management plan requirements (DC)

h) Proposed six-year NDC targets

Council Stormwater Infrastructure Performance Standards (all DC)

a) Input into stormwater management plans, including those prepared by developers, in response to all high priority growth areas during structure planning and consenting processes.

b) 95% of formal enquires to stormwater development are responded to within 5 working days (AMP).

c) At least 95% of annual capital works programme to enable growth is delivered (AMP).

d) >$100,000 of other Council departments or CCO's growth projects are supported by the HW capital investment each year (AMP).

Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure

e) Provide updated guidance on the criteria for assets to be vested to Council and connections following approval of the NDC within one year of the granting of consent (DC).

f) Facilitate stream rehabilitation through identification of opportunities for offsetting through growth (initial list of offsetting projects completed, ongoing update as new opportunities arise) (IC/Co).

Collaboration with Stakeholders

g) Assist in the implementation of stormwater management/land use requirements under the AUP, including advocating for water sensitive design in new growth / major intensification areas (IC).

h) Implementation and review of the Stormwater Code of Practice and Bylaw (IC).

i) Assist in the development and implementation of guidance on Water Sensitive Design, including Guideline GD04 (IC).

BPO for Managing Flooding

a)	**Issue definition**
A large number of buildings (residential and commercial) and critical infrastructure are at risk of flooding and the problem will increase if past land use and development practices continue.	
b)	**Strategic Objectives for Managing Flooding**
Safe Communities: Risk to our communities, including people, property and infrastructure is reduced - ensure that risk to people and property is managed to levels that have been established in consultation with the community, and reduce existing flood risk where it is above these levels.	
c)	**Proposed NDC Outcomes for Managing Flooding**
▪ Avoid the increase of existing flooding or creation of new flooding of habitable floors as a result of urban development and intensification. ▪ Reduce existing flood risk by taking the opportunities from redevelopment where they arise. ▪ Manage existing flood risk to meet levels of service agreed to keep people and property safe from significant harm from flooding, and minimise disruption to critical social and physical infrastructure connections across the city. ▪ Improve community understanding of, and resilience to, flood hazards.	
d)	**Stakeholder Feedback from CRE-based Consultation**
Whilst initially it appears that the stakeholders in each CRE have a different perspective on the importance of the criteria, 'flooding occurrence/frequency' has the highest percentage of stakeholders ranking it as high. It is noted that the criterion 'public safety and protecting critical infrastructure' is not fully comparable across all four CREs as this was a new criterion introduced through the Greater Tāmaki, Manukau Harbour and Hibiscus / East Coast Bays consultation processes. However, the results show that this is of very high importance to stakeholders in these three CREs.	
e)	**Regional Prioritisation Processes to Identify Areas for Further Detailed Investigation of Potential Infrastructure Development and Upgrades**
▪ Within Growth Priority Areas, including as part of redevelopment opportunities with other infrastructure providers (refer Table 9 2) (IC, Co). Modelling is key to understanding the potential effect of new areas of growth on flood risks to both existing dwellings and new development, and is a fundamental component of growth stormwater management planning. Maintaining up to date flood modelling for growth areas is therefore a priority. ▪ Regional assessment of number of habitable floors affected by a 100-year flood event (DC). Regional assessments have been completed to identify, at a high regional level, the stream catchments with the highest potential number of habitable floors at risk of flooding in the 100-year rain event. This is based on regional modelling undertaken for the 100-year floodplain, overland flowpath, and flood prone areas.	
f)	**Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues**
▪ Modelling is updated to ensure it remains fit for purpose and provides the best available information for asset renewal/upgrade and consent and development needs. This is a continual and cyclical process as catchment changes (new development, infrastructure changes etc) occur. Flood hazard maps are made available on Council GIS system. (DC). ▪ Infrastructure upgrades will be investigated for areas with a high demand for growth, as well as the highest numbers of habitable floors affected in the region or as opportunities arise through redevelopment (DC). If after the detailed modelling, flooding issues are confirmed to be the result of the public stormwater infrastructure, potential upgrades will be investigated and assessed. The types of infrastructure upgrades that can be put in place to address flooding include: ▫ Constructed wetlands/ponds designed for detention ▫ Divert a portion or the whole upstream catchment ▫ Pipe rehabilitation, increasing hydraulic capacity and extend existing reticulation system to un-reticulated properties ▫ Install debris barrier or screen ▫ Provision of primary /secondary drainage systems/ overland flow paths ▫ Construction of stopbanks and floodways ▫ Daylighting/ naturalisation	

- Improved channel conveyance.

The recommended infrastructure upgrade selected will be dependent on various factors including feasibility of implementation, effectiveness, and cost, and include opportunities for water sensitive design/green infrastructure options. It should be recognised that after further investigation, some flooding may not be practically or economically resolved through infrastructure upgrades and therefore will need to be managed using other mechanisms.

g) Management Processes other than the Identification of Infrastructure Development and Upgrades

The following management applies to all public stormwater infrastructure, including within non-priority areas:

- Ensure adequate asset maintenance of existing stormwater network through preventive and reactive programmes, particularly in flooding hotspot areas. This includes catchpit cleaning and clearing of high risk inlets (DC).
- Enforce appropriate performance standards on connections/vested assets through the Stormwater Bylaw (IC).
- Assist in the enforcement of appropriate design standards and building controls on private properties (e.g. vehicle crossings, building floor levels, overland flow paths) through the Stormwater Bylaw, particularly in flooding hotspot areas or areas that are likely to be susceptible to flooding (IC).
- Provide flood modelling, design guidance/requirements, vesting requirements, and clear asset information (DC).
- Develop flood resilience strategies for habitable floors that are found to be unfeasible to protect from flooding (DC).
- Assist Civil Defence in flood prediction and warning, as well as in flood recovery planning (Co).
- Work with other infrastructure providers on identifying and addressing flooding through redevelopment opportunities, as well as the identification of critical infrastructure (Co).
- Work collaboratively with other departments and stakeholders when delivering projects to ensure that opportunities to add value and minimise disruption are realised (Co).
- Engage with Local Boards to identify any ongoing flooding issues (Co).

h) Proposed six-year NDC targets

Council Stormwater Infrastructure Performance Standard (all DC)

a) Council flood hazard GIS layer is maintained so that it is current and publicly available; reviewed on a two-yearly basis.

b) The number of flooding events and the associated number of habitable floors affected: less than 1 per 1000 properties in Auckland per annum (LTP).

c) Proportion of habitable floors protected from flooding in a 1 in 10-year storm: > 99% (AMP).

d) Total habitable floors protected from flooding in a 1 in 100-year storm: > 97.5% (AMP).

e) Median response time to attend a flooding event, measured from the time that Auckland Council receives notification to the time that service personnel reach site: < 2 hours (LTP).

f) Major flood protection and control structures are maintained, repaired and renewed to a safe operating standard (AMP–mandatory national measure - however there are no such structures in Auckland).

Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure

g) Provide updated guidance on the criteria for assets to be vested to Council following approval of the NDC (as above, within one year of the granting of consent) (IC).

h) Flood resilience strategies are in place for habitable floors that are found to be unfeasible to protect from flooding within 10 years: >50% (In) (AMP).

Collaboration with stakeholders-

i) Work with Civil Defence in identifying areas of flooding that pose a risk to life, as well as to critical infrastructure (Co).

j) Assist in the implementation of stormwater management/land use requirements under the Unitary Plan, including protection of floodplains and overland flowpaths to prevent flooding from new development (IC).

k) Implementation and review of the Stormwater Code of Practice and Bylaw (IC).

l) Assist in development and implementation of guidance on Water Sensitive Design, including Guideline GD04 (IC).

m) Regularly engage with Local Boards regarding local flooding issues (Co).

n) Regularly engage with other infrastructure providers on redevelopment opportunities and identification of critical infrastructure (Co).

BPO for Managing Effects on Stream Health

a)	**Issue definition**
Urbanisation and poor stormwater management adversely affects Auckland's urban streams and can cause a loss of aquatic habitat and biodiversity, resulting in biological degradation and impacts on ecological functioning of streams, on the community and on the mauri of freshwater and Maori customary uses of freshwater resources.	
b)	**Strategic Objective for Managing Effects on Stream Health**
Healthy and Connected Waterways that provide for te mauri o te wai: Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.	
c)	**Proposed NDC Outcomes for Managing Effects on Stream Health**
▪ Maintain, operate and develop Council's current and future public stormwater network to minimise and reduce adverse effects on streams, groundwater and coastal systems. ▪ Enhance urban streams and waterways by working collaboratively with key stakeholders such as mana whenua, Local Boards, community groups and the development community to, take opportunities to where they arise.	
d)	**Stakeholder Feedback from CRE-based Consultation**
In general, the feedback relating to urban stream management and freshwater resources was relatively consistent across the CREs. The 'ecological value/ greatest ecological benefit' and 'opportunities to leverage outcomes' criteria received the most support from stakeholders. A new criterion, 'holistic management of streams' was introduced as part of the Greater Tāmaki, Manukau Harbour and Hibiscus / East Coast Bays CRE consultation processes, which also received a high level of support in all three CREs.	
e)	**Regional Prioritisation Processes to Identify Areas for Further Detailed Investigation of Potential Infrastructure Development and Upgrades**
▪ Within Growth Priority Areas, including as part of redevelopment opportunities (IC, Co). Healthy Waters uses Watercourse Assessments (previously called Watercourse Management Plans and Stream Surveys) to identify issues within streams, such as fish barriers, erosion, and status of ecological health. Healthy Waters is also actively working with developers to retain and enhance stream values, particularly in new growth areas. ▪ Identified adverse effects caused by public infrastructure located on public land (DC). Issues identified through Watercourse Assessments are entered in a central database for, where relevant and associated with the operation and management of the stormwater network, programming and action.	
f)	**Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues**
▪ Current priority is the investigation and remediation of Council-owned infrastructure related issues, particularly outfall erosion. ▪ An on-going regional programme of remediating fish passage barriers is currently being implemented. ▪ Issues associated with undertaking works in private streams is currently being reviewed, as matters such as future responsibilities, ease of access, and ability to create easements to allow for future access for maintenance are key considerations that must be managed. ▪ Issues identified in Watercourse Assessments are also reported to other stakeholders. Opportunities for partnering are encouraged, and Healthy Waters works collaboratively in delivering some of these. Potential infrastructure upgrades to address effects on streams can include: ▫ Outfall rehabilitation, debris barrier or screen ▫ Removal of barriers to fish passage ▫ Daylighting, channel naturalisation, riparian enhancement ▫ Reduce peak flows by constructed wetlands/ ponds, rain garden ▫ Manage flows, including base flows, by rain tanks, vegetated swales, rain gardens, permeable paving etc. The specific upgrade selected will be dependent on various factors including feasibility of implementation, effectiveness, and cost, and includes the assessment of water sensitive design/green infrastructure options. It should be recognised that some effects on streams may not be practically or economically resolved through infrastructure upgrades and therefore will need to be managed using other mechanisms (see below).	

g) Management Processes other than the Identification of Infrastructure Development and Upgrades

The following management applies to all public stormwater infrastructure:

- Apply appropriate performance standards on connections/vested assets through the Stormwater Bylaw (IC).
- Ensure adequate asset maintenance of the existing stormwater network through preventive (proactive) and reactive programmes (DC).
- Support public education programmes to: enhance riparian planting, maintain private streams, discourage litter, preventing illegal dumping of contaminants (e.g. chemicals, paint, and yard waste) into storm drains discharging to streams (In).
- Complete and implement findings of assessment of possible interventions on private streams, taking into account amongst other things ownership, liability and access issues (DC, Co).
- Implement Healthy Waters' Green Infrastructure Policy to its capital works projects and expand it to include the Mauri model (see below) (DC, Co).
- Assist in the education and implementation of guidance on Water Sensitive Design Guideline (GD04) and other educational material for schools and community groups (IC).
- Work collaboratively with other departments and stakeholders when delivering projects to ensure that opportunities to add value and minimise disruption are realised (Co).
- Work with stakeholders such as the other Council teams, CCOs, Local Boards and iwi through to identify and implement potential collaboration projects for the enhancement of streams (Co).

h) Proposed six-year NDC targets

Council Stormwater Infrastructure Performance Standards

a) Number of fish passage barriers mitigated: average 10 per year (DC).

b) The ratio of the length of watercourse consented to be physically improved versus physically degraded in each year (kms Improved ÷ kms Degraded) 3 or more (LTP) (IC, Co, In).

Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure

c) Complete asset and risk assessment of public coastal (completed) and stream outfalls (WA programme) - 2017/18 watercourse assessments completed (Figure 9.5) (DC).

d) Complete a case study assessment of possible interventions on private streams, taking into account amongst other things ownership, liability and access issues within three years (DC).

e) Implement Healthy Waters' Green Infrastructure Policy for Healthy Waters' capital works projects (ongoing BAU) (DC).

f) Incorporate the Mauri model into Healthy Waters' capital delivery project assessments - model developed, ongoing implementation for all significant projects (DC).

g) Develop a region wide decision support system to prioritise interventions for contaminant management purposes (part of Council's implementation of the NPSFM) and implement projects to improve water quality outcomes where opportunities are identified (completed by 2021) (DC).

Collaboration with stakeholders

h) Work with internal and external stakeholders to identify potential collaboration projects for the enhancement of streams (Co).

i) Facilitate stream rehabilitation through identification of opportunities for offsetting through growth (initial list of offsetting projects completed, ongoing update as new opportunities arise) (IC).

j) Assess feasibility of Council-wide database on stream information (Co).

k) Assist in the education and implementation of guidance on Water Sensitive Design; this includes protection of streams, provision of riparian buffers and protection of base flow and other stream enhancement measures (IC).

l) Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants.

a)	Issue definition
Stormwater contaminants, sourced from urban land use, stream erosion and transport activities, accumulate in low energy marine environments (such as estuaries and enclosed harbours) and in some areas, occur at levels that adversely affect marine life, community and Maori cultural values, and once diminished, affects Maori customary uses of coastal resources.	
b)	**Strategic Objective for Managing Effects on Coastal Health**
Healthy and Connected Waterways that provide for te mauri o te wai: Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.	
c)	**Proposed NDC Outcomes for Managing Effects on Coastal Health**
▪ Maintain, operate and develop Council's current and future public stormwater network to minimise and reduce adverse effects on streams, groundwater and coastal systems. ▪ Enhance urban waterways by working collaboratively with key stakeholders such as mana whenua, Local Boards, community groups and the development community to take opportunities where they arise.	
d)	**Stakeholder Feedback from CRE-based Consultation**
There was consistency in the ranking of criteria for contaminant management in the marine receiving environment for the four CREs. It highlights that there should be a general focus on 'contaminant loads and dispersal' and 'marine ecology' when prioritising future expenditure. It is interesting to note that managing existing contaminant levels was particularly important for stakeholders within the Hibiscus / East Coast Bays CRE. 'Holistic contaminant management' ranks high for the Manukau Harbour CRE. This is likely due to the high level of concern voiced by stakeholders over wastewater contaminating the Manukau Harbour.	
e)	**Regional Prioritisation Processes to Identify Areas for Further Detailed Investigation of Potential Infrastructure Development and Upgrades Investigation**
▪ Assessment based on criteria to be developed through the implementation of the NPSFM (DC). Council is progressing its implementation of the NPSFM. An element of this is the development of a region wide decision support system to prioritise interventions for contaminant management purposes.	
f)	**Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues**
The proposed next step is to develop a region wide decision support system to prioritise interventions for contaminant management as part of the NPSFM implementation. In addition to identified stormwater management interventions, opportunities for stormwater quality improvements will be assessed as part of stormwater capital works projects. Where stormwater infrastructure issues and opportunities are confirmed, potential upgrades will be investigated. These can comprise: ▪ Larger scale treatment such as constructed wetlands, ponds and swales ▪ Smaller scale management devices targeting small areas, such as: sand filters and rain gardens, permeable paving ▪ Soakage pre-treatment ▪ Debris barrier or coarse pollutant screen ▪ Propriety treatment devices, such as StormFilter™, UpFlo™ Filter, CDS Filternator™, CDS Unit, CleansAll Unit, Downstream Defender, Tetra traps etc. Recommended upgrades to mitigate existing adverse effects will be dependent on various factors including feasibility of implementation, effectiveness, and cost. Water sensitive design/green infrastructure will be considered. It should be recognised that contaminant mitigation may not be practically or economically resolved through infrastructure upgrades and therefore will need to be managed using other mechanisms (such as land use change/redevelopment).	
g)	**Management Processes other than the Identification of Infrastructure Development and Upgrades**
The following management applies to all public stormwater infrastructure, including within non-priority areas: ▪ Apply appropriate performance standards on connections/vested assets through the Stormwater Bylaw (IC). ▪ Ensure adequate maintenance of the existing stormwater network, including catchpit cleaning and maintenance/rehabilitation of treatment ponds, wetlands and other treatment devices (DC). ▪ Support public education programmes to enhance riparian planting, maintain private streams, discourage littering, and to prevent illegal dumping of contaminants (e.g. chemicals, paint, and yard waste) into storm drains discharging to sea (In). ▪ Assist in the education and implementation of guidance on Water Sensitive Design Guideline (GD04) and the development and implementation of future WSD design guidance (IC).	

- Work collaboratively with other departments and stakeholders when delivering projects to ensure that opportunities to add value and minimise disruption are realised (Co).
- Work with stakeholders such as the other Council teams, CCOs, Local Boards and iwi through to identify potential collaboration projects (Co).

h) Proposed 6 yearly NDC targets

Council Stormwater Infrastructure Performance Standards

a) Volume of contaminants removed from the stormwater network via Auckland Council's maintenance and renewal programmes: 5,000 tons per annum for catchpits (AMP) (DC).

b) Volume of contaminants removed from the stormwater network via Auckland Council's maintenance and renewal programmes: 10,000 tons per annum from de-silting ponds and wetlands (AMP) (DC).

Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure

c) Provide updated guidance on the criteria for assets to be vested to Council and connections following approval of the NDC within one year of the granting of consent (IC).

d) As for stream health:

Develop a region wide decision support system to prioritise interventions for contaminant management purposes (part of Council's implementation of the NPSFM) and implement projects to improve water quality outcomes where opportunities are identified (DC).

Collaboration with stakeholders

e) Work with mana whenua and other parties to identify areas of safe consumption of kaimoana/mahinga kai and other aspects of coastal health and values (NPSFM –part of watershed implementation plans) (Co).

f) Assist in the education and implementation of guidance on Water Sensitive Design; this includes provisions in respect of at-source reduction and on-site treatment and management of contaminant generating areas (IC).

g) Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants.

BPO for Managing Effects on Groundwater

a)	**Issue definition**
Groundwater aquifers underlying urban areas can be adversely affected by land development and untreated stormwater discharges to ground soakage.	
b)	**Strategic Objective for Managing Effects on Groundwater**
Healthy and Connected Waterways that provide for te mauri o te wai: Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.	
c)	**Proposed NDC Outcomes for Managing Effects on Groundwater**
▪ Maintain, operate and develop Council's current and future public stormwater network to minimise and reduce adverse effects on streams, groundwater and coastal systems. ▪ Enhance urban waterways by working collaboratively with key external stakeholders such as mana whenua, Local Boards, community groups and the development community to take opportunities where they arise.	
d)	**Stakeholder Feedback from CRE-based Consultation**
In all four CREs, 'treatment/ disposal of stormwater into ground' was ranked as the highest criterion for prioritisation. This criterion supported the general feedback received from stakeholders in the CREs who felt a precautionary management approach to stormwater disposal to ground should be adopted.	
e)	**Regional Prioritisation Processes to Identify Areas for Further Detailed Investigation for Potential Infrastructure Development and Upgrades**
▪ Assessment based on contaminant loading and receiving environment (quality sensitive aquifers). The Auckland Unitary Plan has identified water quality sensitive aquifers in the region. The priority for further assessment are those quality sensitive aquifers that are utilised for stormwater disposal primarily the Auckland Isthmus volcanic aquifers and Pukekohe volcanic aquifers.	
f)	**Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues on Groundwater**
Infrastructure upgrades to manage effects on groundwater health can include measures such as: ▪ Soakage pre-treatment, utilising a range of treatment devices. Recommended upgrades to mitigate adverse effects will be dependent on various factors including feasibility of implementation, effectiveness, and cost, and will include water sensitive design opportunities.	
g)	**Management Processes other than the Identification of Infrastructure Development and Upgrades**
The following management applies to all public stormwater infrastructure: ▪ Enforce appropriate design standards and building controls on private properties (e.g through soakage) through the Stormwater Bylaw/Building Act (IC). ▪ Ensure adequate asset maintenance of existing stormwater network through preventive and reactive programmes, in particular through catchpit cleaning in soakage areas (DC). ▪ Support public education programmes to enhance riparian planting, maintain private streams, discourage of litter, preventing illegal dumping of contaminants (e.g. chemicals, paint, and yard waste) into storm drains discharging to groundwater (In). ▪ Assist in the education and implementation of guidance on Water Sensitive Design Guideline (GD04) and the development and implementation of future WSD design guidance (IC). ▪ Work with stakeholders such as the other Council teams, CCOs, Local Boards and iwi through to identify potential collaboration projects (Co).	
h)	**Proposed six-year NDC targets**
Council Stormwater Infrastructure Performance Standards a) As for Managing Effects on Coastal Health, focusing on managing contaminants to aquifers. *Identified Reviews and Management Improvements for Managing the Council's public stormwater infrastructure* b) As for Managing Effects on Coastal Health, focusing on managing contaminants to aquifers.	

c) Prepare guidance for soakage device design, including treatment requirements (TR2013/40 completed, ongoing implementation) (DC).

Collaboration with stakeholders

d) Assist in development and implementation of guidance on Water Sensitive Design; including recharge of high use aquifers, peat soils and stream baseflow (IC).

e) Input into the implementation and review of the Stormwater Code of Practice and Bylaw (IC).

f) Engage with industry and Central Government on initiatives to consider the feasibility of, and where possible implement, source control of key stormwater contaminants.

BPO for Managing the effects on wastewater network

a)	**Issue definition**
In parts of Auckland, particularly where there is a combined stormwater-wastewater network, flood waters are contaminated with wastewater which can cause a public health risk, especially in areas with high contact recreation, and affects the Mauri of the waterbody and thereby has an effect on social and Maori cultural values.	
b)	**Strategic Objective for Managing Effects on the Wastewater Network**
Healthy and Connected Waterways that provide for te mauri o te wai: Stream, groundwater and coastal water values are maintained and enhanced and communities are connected with them - utilise streams, aquifers and harbours as integral natural components of Auckland's stormwater system while reducing the adverse effects of stormwater runoff, restoring te mauri o te wai and enhancing our community's connection with, its waterways.	
c)	**Proposed NDC Outcomes for Managing Effects on the Wastewater Network**
▪	Enhance urban waterways by working collaboratively with key stakeholders such as mana whenua, Local Boards, community groups and the development community to take opportunities where they arise.
d)	**Stakeholder Feedback from CRE-based Consultation**
Stakeholders from all CREs ranked 'public health risk' and 'environmental risk' as the two highest criteria for prioritising stormwater effects on the wastewater network. It is interesting to note, however, that stakeholders in the Greater Tāmaki and Hibiscus / East Coast Bays CREs ranked 'environmental risk' higher that 'public health risk'. Despite this, the percentage of stakeholders ranking each of the criteria as "high" was very similar. A lower percentage of stakeholders from the Manukau Harbour and Hibiscus/ East Coast Bays CREs ranked these two criteria as high.	
e)	**Regional Prioritisation Processes to Identify Areas for Further Detailed Investigation of Potential Infrastructure Development and Upgrades**
Infrastructure upgrades to the wastewater network will be led by Watercare Services Ltd, with Healthy Waters assisting where it can effectively contribute to improved outcomes.	
f)	**Nature of Further Detailed Investigations and Potential Infrastructure Upgrades that may be Implemented to Address Confirmed Issues**
Infrastructure upgrades to the wastewater network will be led by Watercare Services Ltd, with Healthy Waters assisting where it can effectively contribute to improved outcomes. This includes a joint project to identify the optimal solution to reduce overflows to the receiving environment for public and environmental health reasons for the central combined sewer area ~~(project CANOPy)~~(WIWQIP).	
g)	**Management Processes other than the Identification of Infrastructure Development and Upgrades**
The following management applies to all public stormwater infrastructure: ▪ Work with building control where wastewater infiltration and cross connections have been identified within areas that do not have combined sewers (Co). ▪ Increasing public awareness around the potential health risks associated with all flood waters, working with Watercare Services Ltd and Civil Defence on this matter (In, Co).	
h)	**Proposed six- year NDC targets**
Collaboration with stakeholders (all Co) a) Develop a strategy for investigation and management of identified issues relating to cross contamination. b) Collaborate with Watercare Services Ltd to identify the optimal solution to reduce overflows to the receiving environment for public and environmental health reasons for the central combined sewer area (WIWQIP). c) Regularly engage with Watercare Services Ltd and Building Control to identify and assess inflow and infiltration issues and collaboratively design and implement infrastructure upgrades.	

Supporting Strategic Objectives, Outcomes and Targets for all Issues

a) Strategic Objective - Collaborative Outcomes:

Stakeholders are engaged to achieve the best stormwater outcomes including for te mauri or te wai for present and future generations.

Supporting Outcomes for Collaborative Outcomes

- Collaborate with Council departments and CCOs that have a key role in delivering positive stormwater outcomes.
- Build constructive, working relationships with key stakeholders to achieve integrated stormwater solutions and cost effective outcomes.
- Establish effective mechanisms for mana whenua to be appropriately engaged in stormwater management. This includes recognising and actively working to operationalise and integrate the relationship and cultural values mana whenua have with their waterways.
- Work with the stormwater industry to continue to identify, refine and communicate best practice and increase industry capacity, resources and knowledge.

Six-year Targets

In addition to the collaboration targets listed in Tables 9-1 to 9-7 above:

a) Proportion of mana whenua that are satisfied with Auckland Council's engagement with iwi in relation to stormwater projects: 10/19 or more (LTP).

b) Percentage of projects that contribute to Maori outcomes: at least 95% (AMP).

c) >$100,000 of other Council departments or CCOs growth projects are supported by the HW capital investment each year (AMP).

Actions for Collaborative Outcomes

d) Take into account and be cognisant of current or future Iwi Management Plans (DC).

e) Develop and integrate, in partnership with mana whenua, best practice tools which can be used to effectively measure and assess cultural impacts of stormwater operations and programmes as part of the project scoping, prioritisation and cost-benefit analysis process (Mauri-model) - model developed, ongoing implementation for all significant projects (Co).

f) Establish a draft process to operationalise and integrate the relationship and cultural values mana whenua have with their waterways. This includes annual reporting on mana whenua engagement efficacy in order to determine when engagement took place in a project, what the value of the input was, and how mana whenua feedback was (or was not) incorporated (Co).

g) Regular engagement with iwi to assess implementation via the mana whenua hui (Co).

b) Strategic Objective - Prioritised Investment:

Benefits from limited resources are maximised by targeting our priorities to achieve the best outcomes we can afford.

Supporting Outcomes for Prioritised Investment

- Undertake regional prioritisation that targets investment in the right areas, as agreed within Council, with mana whenua and our community and in accordance with the Auckland Plan vision and statutory requirements.
- Establish levels of service that are relevant and affordable.

Six Year Targets and Actions for Prioritised Investment

a) As for Collaborative Outcomes above.

c) Strategic Objective - Efficient Business:

Robust systems, processes, practices and management are implemented to support delivery of stormwater services.

Supporting Outcomes for Efficient Business

- Undertake efficient and effective network operational, renewals and maintenance programmes.
- Regionalise stormwater management through harmonisation of standards, contracts and business processes.
- Provide fit for purpose information systems and business tools.
- Undertake efficient and effective response to customers and incidents.
- Rationalise network consents and compliance requirements.
- Monitor and report performance.

Six-year Target

a) Compliance with NDC – number of abatement notices, infringement notices, enforcement orders or successful prosecutions: 0 (zero) (AMP).

Schedule 4: Requirements for changes to be authorised under the Auckland Stormwater Network Discharge Consent

<table>
<tr><th colspan="4">Council renewal, maintenance and upgrade works[3]</th></tr>
<tr><td colspan="4">1. No new/additional habitable floor affected by flooding in 1% AEP event and no increase in frequency of existing flooding
2. No significant increase in risk to the operation and structural integrity of other infrastructure in 1% AEP event
3. No increase in inundation that affects a building on property in 10% AEP
4. No loss in overland flow path capacity, unless provided by other means
5. All major capital works projects consider, and where appropriate implement, a green infrastructure option in accordance with the Healthy Waters Green Infrastructure Policy
6. Significant erosion at a (pubic stormwater) outfall, which is the result of the operation of that outfall, is remedied/stabilised
7. Appropriate erosion protection/mitigation is provided for any new outfall in accordance with the Stormwater Code of Practice
8. Where stormwater is directed to a different receiving environment then the change in discharge:
- Does not decrease water quality in the receiving environment;-or
- Is not predicted, by modelling or other suitable method, to result in increased stream erosion
Where any of the above performance requirements cannot be achieved for a given project, alternative levels of performance are to be established in a Stormwater Management Plan that is certified by the Manager, Auckland Council Regulatory Services or delegate. The alternative may be certified if it meets the NDC Outcomes (Schedule 2), to the extent practicable applies an Integrated Stormwater Management Approach and is the best practicable option for the given project.</td></tr>
<tr><th colspan="4">Connection Requirements – Private Development</th></tr>
<tr><th>Issue/Receiving Environment</th><th>Brownfields small</th><th>Brownfields large – 20 lots or over new/re-developed 5,000m^2 impervious surface</th><th>Greenfield</th></tr>
<tr><td colspan="4">Catchments/areas</td></tr>
<tr><td>Within area covered by adopted SMP[4]</td><td colspan="3">▪ Stormwater management or connection requirements in accordance with the SMP
Note that where specifically addressed in a SMP these requirements supersede any performance requirements below</td></tr>
<tr><td>In other areas</td><td>Requirements below are met; or
▪ Where requirements cannot be met, a SMP that includes supporting information that demonstrates the best practicable option has been adopted</td><td colspan="2">A SMP detailing the Best Practicable Option[5] having particular regard to:
▪ The management approach/ key elements including:
- Areas of development, including roads and reserves
- Location of vested infrastructure, including green infrastructure (note that assets located in the road corridor also require approval of Auckland Transport)</td></tr>
</table>

[3] Note: These projects do not create impervious area, but rather affect how stormwater is conveyed and discharged. Development that creates impervious area is covered by the vesting/connection requirements for brownfield and greenfield development.
[4] Stormwater Management Plan. These include Catchment Management Plans where they have been adopted under this consent.
[5] In developing a SMP, the primary objective is to achieve the best practicable option for the long term management of stormwater from the development area. In addition to the requirements to consider the Stormwater Code of Practice and WSD principles, consideration should also be given to site specific constraints and circumstances as outlined in Policy E1.3.10.

		- Areas of on-site and communal (public) stormwater management - The protection of significant site features and hydrology - How the connection/vesting requirements below are met or the alternative that is proposed ▪ How an Integrated Stormwater Management Approach has been adopted in the design and associated stormwater management in accordance with the policies in the AUP[6] Section E1.3 to: - Minimise the stormwater related effects of development; - Retain/restore natural hydrology as far as practicable - Minimise the generation and discharge of contaminants (including gross Stormwater pollutants[7]) and stormwater flows at source - Minimise temperature related effects - Enhance freshwater systems including streams and riparian margins - Minimise the location of engineered structures in streams ▪ Any stormwater plan prepared as part of a relevant structure plan
Water Quality (note: these apply in addition to any land use/consent requirements)		
Degraded or sensitive aquatic environment: ▪ Stream ▪ Coastal Degraded 1 or 2 ▪ Quality sensitive groundwater aquifer (see AUP)	▪ No more than 25 m^2 of any combination of exposed (i.e. unpainted) roofing, guttering or cladding, made of galvanised steel[8] or copper, unless treated by a water quality device designed in accordance with GD01/TP 10, for the treatment and attenuation of metals in the runoff ▪ Gross pollutant traps[9] for commercial and industrial waste storage, handling or	▪ Treatment of all impervious areas by a water quality device designed in accordance with GD01/TP 10 for the relevant contaminants Or ▪ An alternative level of mitigation determined through a SMP that: - applies an Integrated Stormwater Management Approach (as per above); - meets the NDC Objectives and Outcomes in Schedule 2; and - is the BPO. And

[6] Auckland Unitary Plan
[7] Pollutants such as litter, plastics and other coarse material that may become entrained in stormwater flows
[8] Steel with a surface coating of 99% zinc or greater
[9] Auckland Council Publications GD01 and TR2011/006 provide guidance as to suitable devices for removing gross pollutants

	loading/unloading areas treatment and communal waste storage areas for apartments and multi-unit developments	▪ Gross pollutant traps for runoff from: - Commercial/industrial waste storage/handling or loading/unloading areas treatment - Communal waste storage areas in apartments and multi-unit developments	
Other receiving environments	▪ Gross pollutant traps[10] for commercial and industrial waste storage, handling or loading/unloading areas treatment and communal waste storage areas for apartments and multi-unit developments		
Stream Hydrology			
Within a SMAF	▪ No additional requirements to those of the AUP		
Where discharge is to a stream via public stormwater network outside of SMAF	▪ No additional requirement to Maximum Impervious Area controls in the AUP	▪ Provide retention (volume reduction) of a minimum of 5mm runoff depth for all impervious areas; and ▪ Provide detention (temporary storage) with a draindown period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the retention volume for all impervious areas; except that Where: (a) a suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there is no area on the site of sufficient size to accommodate all required infiltration that is free of geotechnical limitations (including slope, setback from infrastructure, building structures or boundaries and water table depth); and (b) rainwater reuse is not available because:	▪ Achieve equivalent hydrology (infiltration, runoff volume, peak flow) to pre-development (grassed state) levels; Or ▪ An alternative level of mitigation determined through a SMP that: - applies an Integrated Stormwater Management Approach (as per above); - meets the NDC Objectives and Outcomes in Schedule 2; - is the BPO for the given project A method of achieving equivalent hydrology to pre-development (grassed state) levels is to: ▪ Provide retention (volume reduction) of a minimum of 5mm runoff depth for all impervious areas; and ▪ Provide detention (temporary storage) with a draindown period of 24 hours for

[10] Auckland Council Publications GD01 and TR2011/006 provide guidance as to suitable devices for removing gross pollutants

		- the quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden/crop irrigation or toilet flushing); or - there are no activities occurring on the site that can re-use the full 5mm retention volume of water the retention can be taken up by detention as follows: ▪ provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th percentile (SMAF 1) / 90th percentile (SMAF 2), 24 hour rainfall event minus any retention volume that is achieved, over the impervious area for which hydrology mitigation is required. Or ▪ An alternative level of mitigation determined through a SMP that: - applies an Integrated Stormwater Management Approach (as per above); - meets the NDC Objectives and Outcomes in Schedule 2; - is the BPO for the given project	the difference between the pre-development (grassed state) and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the retention volume for all impervious areas
Flooding			
Property/pipe capacity: 10% AEP event	▪ Ensure that there is sufficient capacity within the pipe network to the first manhole downstream of the connection	▪ Ensure that there is sufficient capacity within the pipe network downstream of the connection point to cater for the	▪ Ensure that there is sufficient capacity within the pipe network downstream of the connection point to cater for the

	point to cater for the additional stormwater runoff associated with the development in a 10% AEP event. Methods of achieving this include: ▪ Demonstrating sufficient capacity is available including flows from the catchment (at maximum probable development) draining to the relevant section of pipe network in the 10% AEP event; ▪ Attenuating and reducing stormwater flows and volume on-site such that there is no increase in peak flow in a 10% AEP event from the site compared to that prior to the new development. Note that any vested devices, or devices to be managed by a body corporate associated with this option will also require an operation and maintenance plan to ensure the long-term efficacy of such a system. *Advice note: The following option also applies as an alternative to the above:* *Providing a financial contribution in agreement with Healthy Waters to upgrade the relevant pipe network where these is significant potential for additional development in the contributing catchment*.	additional stormwater runoff associated with the development in a 10% AEP event; or ▪ Demonstrate that flows in excess of the pipe capacity in a 10% AEP event within the pipe network downstream of the connection point will not increase flooding of any other property; or ▪ Demonstrate through an assessment that flows in excess of the pipe capacity in a 10% AEP event within the pipe network downstream of the connection point will not increase adverse effects on any other property. Factors to consider when evaluating adverse effects as a result of flooding should include, but are not limited to: ▪ The type, frequency and scale of increased flooding or overland flow; ▪ The type of activities being undertaken within the property and the consequences of increased flooding or overland flow in relation to these activities and the people involved; and, ▪ The potential impact on public safety, including safe access and ingress. Methods of ensuring sufficient capacity in the pipe network in brownfield areas include any one of the following:	stormwater runoff associated with the development in a 10% AEP event including incorporating flows from contributing catchments at maximum probable development. Methods of ensuring sufficient capacity in the downstream pipe network include any one of the following: ▪ Demonstrating sufficient capacity is available including flows from the catchment (at maximum probable development) draining to the relevant pipe network in the 10% AEP event); ▪ Attenuating and reducing stormwater flows and volume on-site such that there is no increase in peak flow in a 10% AEP event from the site compared to that prior to the new development. Note that any devices associated with this option will also require an operation and maintenance plan to ensure the long-term efficacy of such a system; ▪ Upgrading the relevant pipe network to a size that can cater for the additional flows from the development in the 10% AEP event (incorporating flows from the contributing catchment at maximum probably development); or ▪ *In agreement with Healthy Waters, contributing to the upgrade of the relevant pipe network where there is*

		▪ Demonstrating sufficient capacity is available including flows from the catchment (at maximum probable development) draining to the relevant pipe network in the 10% AEP event); ▪ Attenuating and reducing stormwater flows and volume on-site such that there is no increase in peak flow in a 10% AEP event from the site compared to that prior to the new development. Note that any devices associated with this option will also require an operation and maintenance plan to ensure the long-term efficacy of such a system. ▪ Upgrading the relevant pipe network to a size that can cater for the additional flows from the development in the 10% AEP event (incorporating flows from the contributing catchment at maximum probable development); or ▪ *In agreement with Healthy Waters, contributing to the upgrade of the relevant pipe network where there is significant potential for additional development in the contributing catchment.*	*significant potential for additional development in the contributing catchment.*
Buildings – 1% AEP event	No additional requirement to Maximum Impervious Area controls in AUP	▪ Manage/mitigate 1% AEP peak flow to that immediately preceding development/redevelopment Or ▪ An alternative level of mitigation determined through a SMP that:	▪ Develop to Stormwater Code of Practice ▪ Develop in accordance with SMP as above

		- applies an Integrated Stormwater Management Approach (as per above); - meets the NDC Objectives and Outcomes in Schedule 2; - is the BPO for the given project	
Assets			
General	All new assets to be vested in Council are to be built in accordance with the Stormwater Code of Practice Stormwater management assets in the road corridor require approval from Auckland Transport prior to vesting		

Connection Requirements[11] – AT/NZTA/Railways Transport Projects[12]				
Issue/Receiving Environment	**Small projects – up to 1,000 m^2 of new impervious area**	**Off-road pedestrian and cycling facilities and ferry terminal facilities. New impervious area greater than 1,000m^2**	**Development of new / redevelopment of impervious area for:** - **existing high use roads[13] - that includes new impervious area greater than 1,000m^2** - **other roads that includes new impervious area greater than 5,000m^2** - **rail corridor projects with new impervious area greater than 1,000m^2**	**Development/redevelopment of a high contaminant generating carpark[14] (new/redeveloped area greater than 1,000m^2)**
Catchments/areas				
Within area covered by an adopted SMP	▪ Stormwater management or connection requirements in accordance with the SMP Note that where specifically addressed in a SMP these requirements supersede any performance requirements below			
In other areas	▪ General performance requirements - No new/additional habitable floor affected by flooding in 1% AEP event and no increase in frequency of existing flooding - No significant increase in risk to the operation and structural integrity of other infrastructure in 1% AEP event - No increase in inundation that affects a building on a property in 10% AEP - No loss in overland flow path capacity, unless provided by other means Where these requirements cannot be met, a SMP that includes supporting information to justify an alternative as the BPO for the given project is required.			
Water Quality (note: these apply in addition to general performance requirements above) Where the existing road corridor is constrained off-setting within the same catchment may form part of the mitigation approach.				
All receiving environments	No requirements	▪ Treatment of new road area and any existing road area directed to same point by a water quality device designed in accordance with GD01/TP 10 for the relevant contaminants Or	▪ Treatment of new/redeveloped area (or all carpark area where it is >50% of the site) by a water quality device designed in accordance with GD01/TP 10 for the relevant contaminants Or	

[11] These requirements only apply where there is a connection into the public stormwater network
[12] Note that roads constructed by a developer as part of greenfield/brownfield development are considered as part of that development
[13] See AUP definition: A road, motorway or state highway that carries more than 5000 vehicles per day, excluding cycle lanes, footpaths and ancillary areas that do not receive stormwater runoff from the road carriageway
[14] See AUP Definition: Carpark that is exposed to rainfall and is designed for a total of more than 30 vehicles

		▪ Treatment of equivalent area of high use road within same catchment by a water quality device designed in accordance with GD01/TP 10 for the relevant contaminants Or ▪ An alternative level of mitigation determined through a SMP that: - applies an Integrated Stormwater Management Approach (as per above); - meets the NDC Objectives and Outcomes in Schedule 2; - is the BPO for the given project	▪ Treatment of equivalent area within same catchment by a water quality device designed in accordance with GD01/TP 10 for the relevant contaminants Or ▪ An alternative level of mitigation determined through a SMP that: - applies an Integrated Stormwater Management Approach (as per above); - meets the NDC Objectives and Outcomes in Schedule 2; - is the BPO for the given project
Stream Hydrology Where the existing road corridor is constrained off-setting within the same catchment may form a part of the mitigation approach.			
With a SMAF	No additional requirements to those of AUP and general requirements above		
Where discharge is to a stream via public stormwater network outside of SMAF	No additional requirements to those of AUP and general requirements above		
Flooding			
Property/pipe capacity: 10% AEP event	**Projects – up to 5,000 m^2 new impervious area**[15] ▪ Ensure that there is sufficient capacity within the pipe network to the first manhole downstream of the connection point (at maximum probable development of the contributing catchment) to cater for the additional stormwater runoff associated with the new impervious area in a 10% AEP event; or ▪ Attenuate stormwater flows and volume such that there is no increase in peak flow in a 10% AEP event from the total road impervious area draining to the pipe network to the first manhole downstream of the connection point to that prior to the new impervious area. **Projects – 5,000 m^2 or more of new impervious area**[16] ▪ Ensure that there is sufficient capacity within the pipe network downstream of the connection point (at maximum probable development of the contributing catchment) to cater for the additional stormwater runoff associated with the new impervious area in a 10% AEP event; or		

[15] It is anticipated that capacity and other issues will be assessed in conjunction with Healthy Waters
[16] It is anticipated that capacity and other issues will be assessed in conjunction with Healthy Waters

	▪ Attenuate stormwater flows and volume such that there is no increase in peak flow in a 10% AEP event from the total road impervious area draining to the pipe network downstream of the connection point to that prior to the new impervious area; or ▪ Demonstrate that flows in excess of the pipe capacity in a 10% AEP event downstream of the connection point will not increase flooding of any other property and will not create a nuisance or hazard.
Buildings – 1% AEP event	Addressed in general performance requirements above.
Assets	
General	All new stormwater assets to be operated by Healthy Waters are to be built in accordance with the Stormwater Code of Practice

Schedule 5: Approval/Compliance/Certification Processes

Activity	Assessment mechanisms	Approvals	
		Stormwater Network Utility Operator [17]	Regulatory Manager Certification[18]
New or changes to stormwater diversion and discharges resulting from the development, renewal, maintenance or improvement of the public stormwater network infrastructure owned and operated by Auckland Council			
Renewal, upgrade and/or new stormwater infrastructure works that change the flow, volume, or location of discharge and which meet Schedule 4 Performance Requirements	Assessment of Changes to Catchment Discharge (ACCD)	N/A	ACCD available for audit as part of compliance review.
Renewal, upgrade and/or new stormwater infrastructure works that change the flow, volume, or location of discharge that do not meet Schedule 4 Performance Requirements but effects can be fully mitigated through other measures	ACCD/SMP	Confirmation that ACCD/SMP is consistent with Schedule 2, 3 and 4	Certification that ACCD/SMP is consistent with Schedule 2 and 3 and the project is the Best Practicable Option for the given project
Renewal, upgrade and/or new stormwater infrastructure works that change the flow, volume, or location of discharge that do not meet Schedule 4 Performance Requirements and effects cannot be fully mitigated	ACCD/SMP	Assessment that ACCD/SMP is consistent with Schedule 2 and 3 and project is the Best Practicable Option for the given project The operator shall consult with any party that is potentially adversely affected. The outcome of any such consultation shall form part of the information put forward for certification of the SMP	Certification that ACCD/SMP is consistent with Schedule 2 and 3 and the project is the Best Practicable Option for the given project

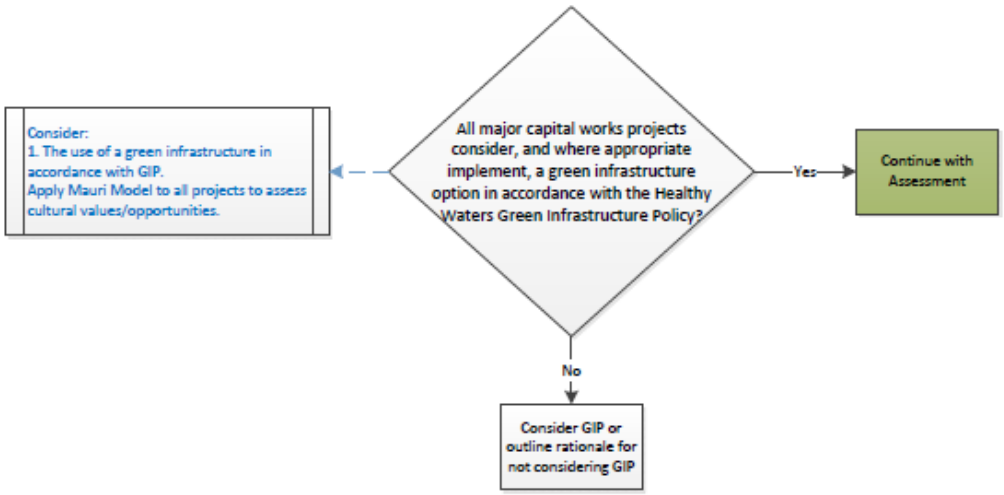
[17] Includes Council teams delegated by the stormwater network utility operator to assess compliance.
[18] Manager, Auckland Council Regulatory Services or as delegated

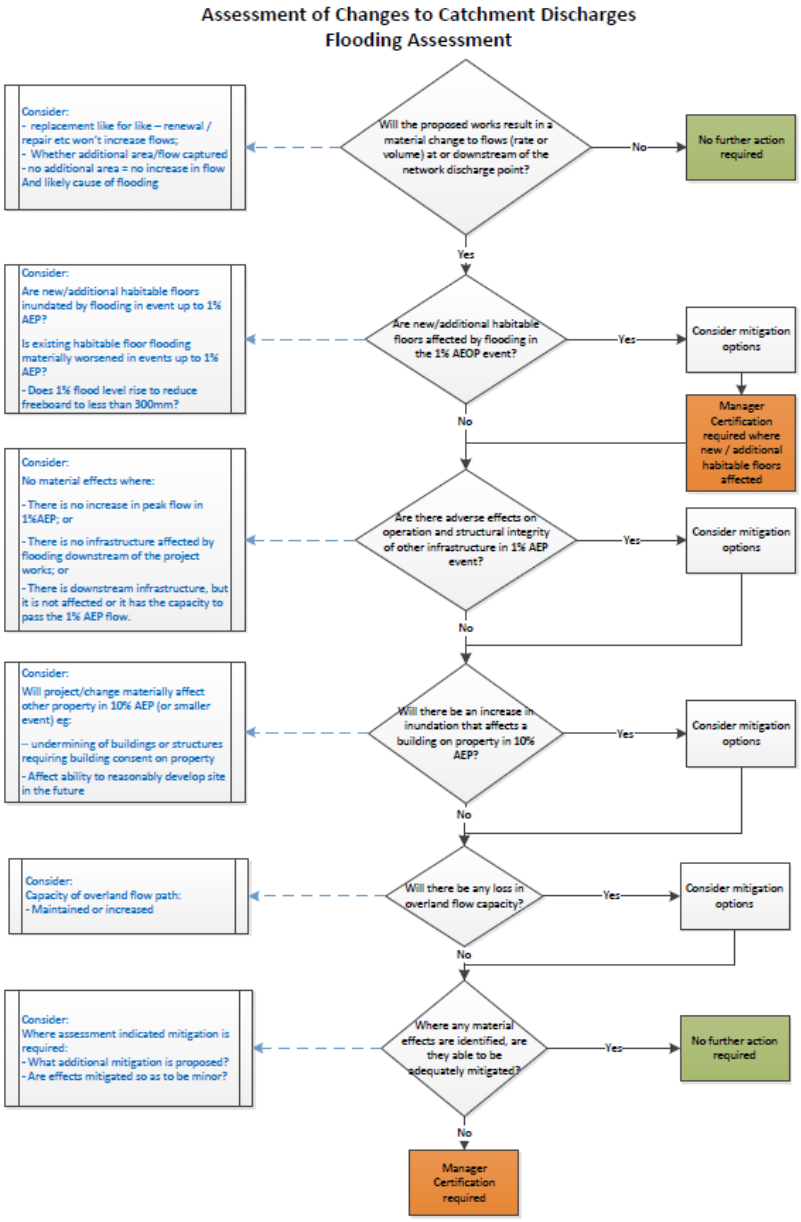
Activity	Assessment mechanisms	Approvals	
		Stormwater Network Utility Operator [17]	Regulatory Manager Certification[18]
Changes to or new discharges and diversions resulting from land development where stormwater assets connect to, and/or are subsequently vested and become part of, the public stormwater network infrastructure owned and operated by Auckland Council			
New connections/vested infrastructure that meet Schedule 4 Vesting/Connection Requirements	Compliance with Schedule 4 Vesting/Connection Requirements Consultation with Auckland Transport where stormwater management devices are proposed within the existing road reserve or road reserve to be vested.	New/altered connections - SW Bylaw approval Vested assets and associated connections – SW CoP and Bylaw approval[19]	Approvals available for audit as part of compliance review

[19] Where possible, the consent holder will integrate approvals under the SMP and the Stormwater Code of Practice/Bylaw. It is recognised that these approvals are often at different levels of detail, such that this is not always possible. Note that any stormwater management devices located in the road corridor also require the approval of Auckland Transport.

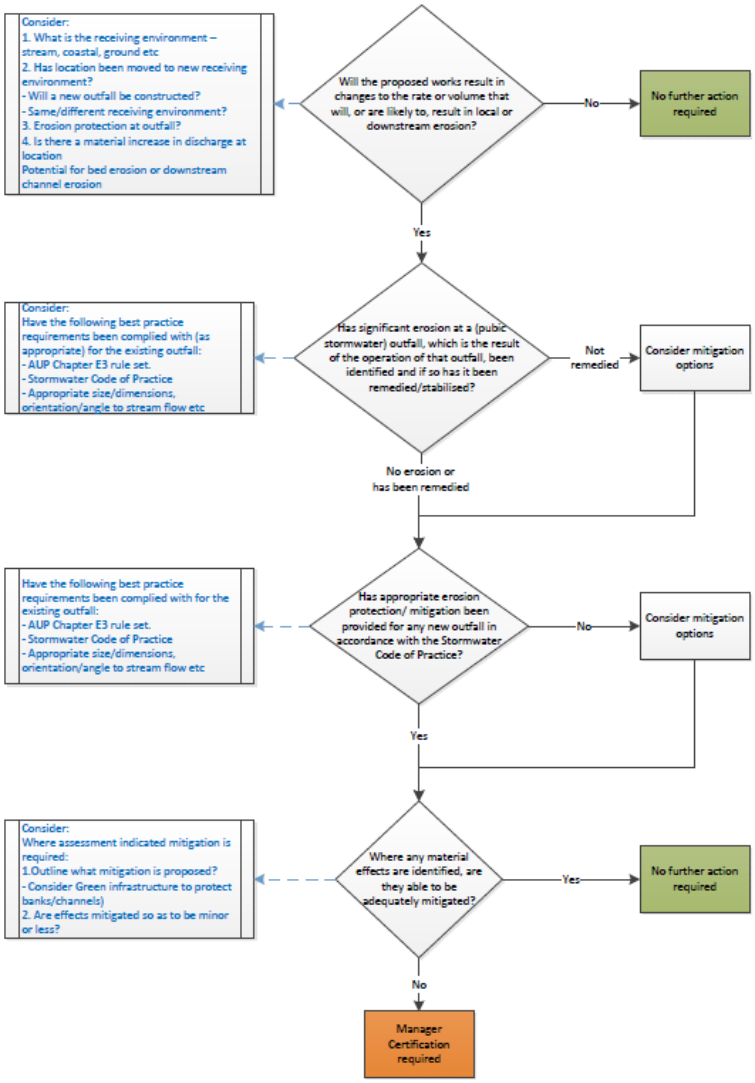
Activity	Assessment mechanisms	Approvals	
		Stormwater Network Utility Operator [17]	**Regulatory Manager Certification[18]**
Greenfield development, major redevelopment, or where Schedule 4 Vesting/Connection Requirements cannot be met	SMP Consultation with Auckland Transport where stormwater management devices are proposed within existing road reserve or road reserve to be vested. In preparing the SMP, consultation shall be undertaken with any party that is potentially adversely affected by the SMP. The outcome of any such consultation, including the views of any affected party, shall form part of the information put forward for certification of the SMP.	Adoption of SMP that is consistent with Schedule 2, 3 and 4 and is the Best Practicable Option[15] *Note: If there is already an approved existing SMP prepared after 1 January 2013, this requirement does not apply in accordance with Condition 19.*	SMP available for audit as part of compliance review

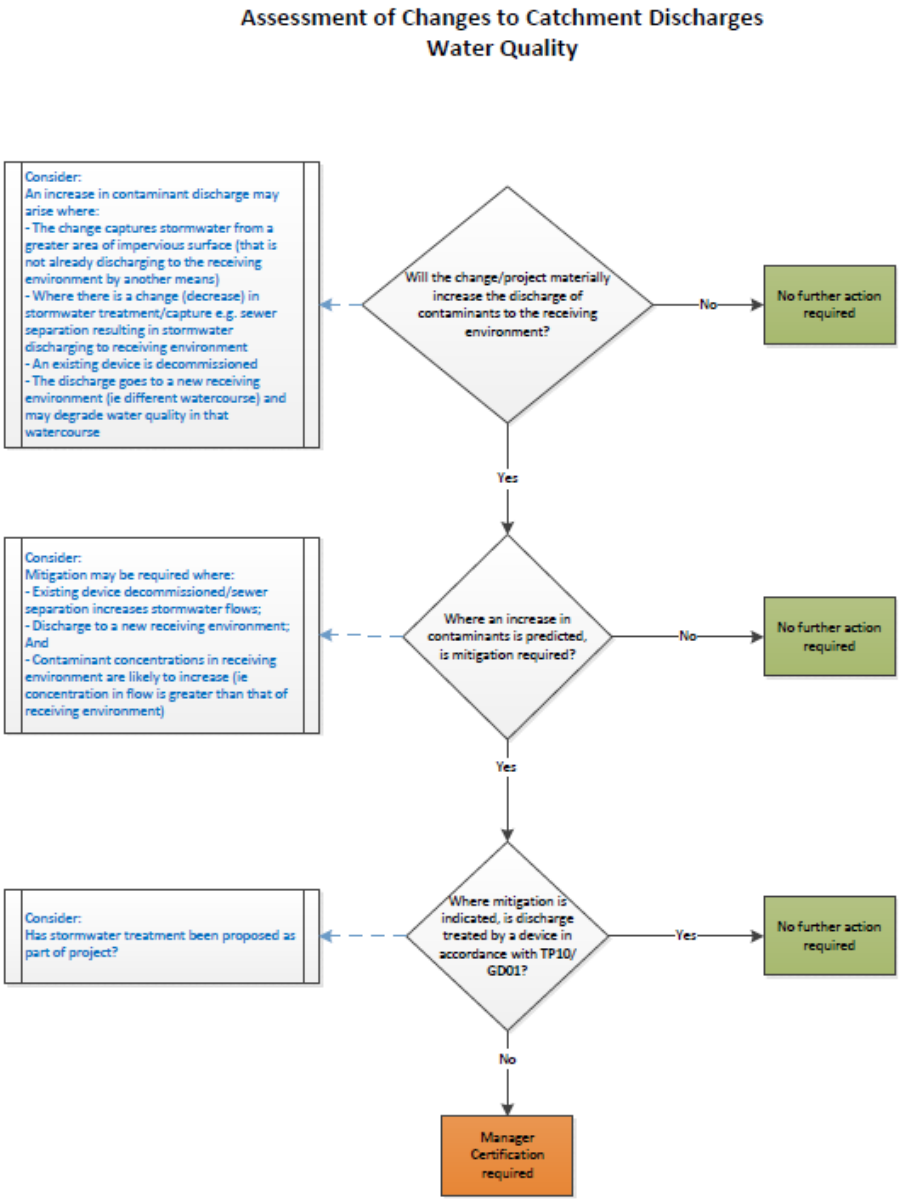
Assessment of Changes to Catchment Discharges
Green Infrastructure




Assessment of Changes to Catchment Discharges
Flooding Assessment
Consider:
- replacement like for like – renewal / repair etc won't increase flows;
- Whether additional area/flow captured
- no additional area = no increase in flow
And likely cause of flooding
Will the proposed works result in a material change to flows (rate or volume) at or downstream of the network discharge point?
No
No further action required
Yes
Consider:
Are new/additional habitable floors inundated by flooding in event up to 1% AEP?
Is existing habitable floor flooding materially worsened in events up to 1% AEP?
- Does 1% flood level rise to reduce freeboard to less than 300mm?
Are new/additional habitable floors affected by flooding in the 1% AEOP event?
Yes
Consider mitigation options
Manager Certification required where new / additional habitable floors affected
No
Consider:
No material effects where:
- There is no increase in peak flow in 1%AEP; or
- There is no infrastructure affected by flooding downstream of the project works; or
- There is downstream infrastructure, but it is not affected or it has the capacity to pass the 1% AEP flow.
Are there adverse effects on operation and structural integrity of other infrastructure in 1% AEP event?
Yes
Consider mitigation options
No
Consider:
Will project/change materially affect other property in 10% AEP (or smaller event) eg:
-- undermining of buildings or structures requiring building consent on property
- Affect ability to reasonably develop site in the future
Will there be an increase in inundation that affects a building on property in 10% AEP?
Yes
Consider mitigation options
No
Consider:
Capacity of overland flow path:
- Maintained or increased
Will there be any loss in overland flow capacity?
Yes
Consider mitigation options
No
Consider:
Where assessment indicated mitigation is required:
- What additional mitigation is proposed?
- Are effects mitigated so as to be minor?
Where any material effects are identified, are they able to be adequately mitigated?
Yes
No further action required
No
Manager Certification required

Assessment of Changes to Catchment Discharges
Erosion Assessment

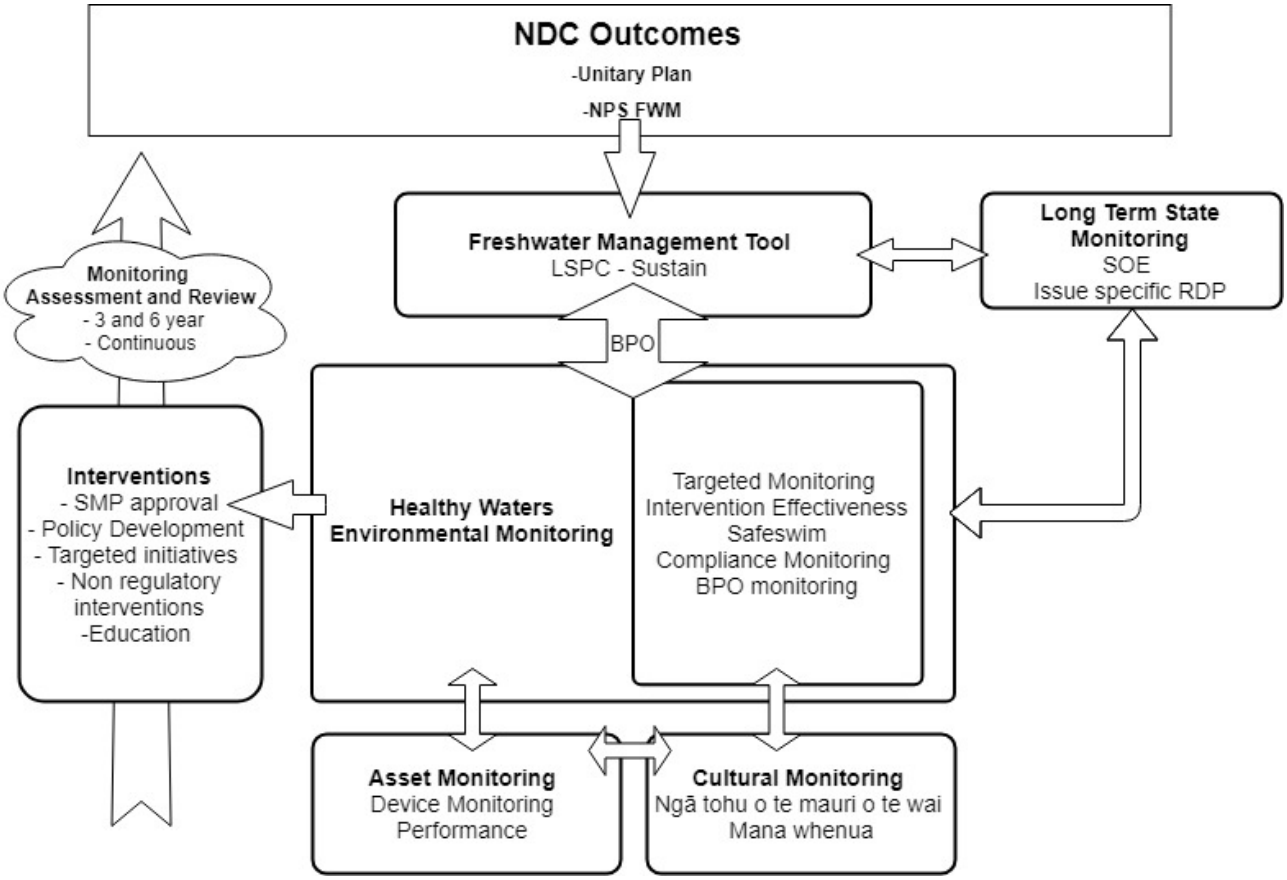




Schedule 6: Monitoring Framework

This schedule outlines monitoring that is undertaken by Council that will be used to inform performance and progress against NDC Outcomes and Milestones. The majority of the monitoring programmes are reported regularly through State of the Environment, LTP or other reporting. Monitoring relevant to the Auckland-wide Stormwater NDC will be collated and reported in accordance with the requirements and frequencies specified in the conditions of consent.

Monitoring process



Schedule 7: Conditions of Consent Retained from Existing Consents

[will be populated as consents are surrendered]

Schedule 8: Process for Adopting a Stormwater Management Plan (to authorise new diversion/discharges as part of the NDC)

1. A person (Requestor) wishing to have an SMP adopted must provide a Proposed SMP to the [Consent Holder] containing the information set out Schedule 4, and the written consent of any third party whose land is directly affected by the proposed SMP in accordance with Condition 14 (a) or (b);

2. If the Proposed SMP meets the requirements of Schedule 4 the Consent Holder must:

   (a) adopt it in accordance with Schedule 5;
   (b) provide notice of the adopted SMP to the [Manager];
   (c) record the adopted SMP on a publicly accessible register; and
   (d) update a GIS layer of adopted SMPs that includes the extent and terms of the SMP.

3. If, in the opinion of the Consent Holder the Proposed SMP does not meet the requirements of Schedule 4 the Consent Holder must:

   (a) Provide to the Requestor:
      (i) a summary of what aspects of the Proposed SMP are not, in the consent's holder's opinion, in accordance of Schedule 4;
      (ii) the changes to the Proposed SMP that would, in the Consent Holder's opinion, be required to ensure that it would be in accordance with Schedule 4;
      (iii) notice that the Proposed SMP will be provided to the [Manager] under clause [3(b)] below; and
      (iv) a timeframe (no less than 10 working days) for the Requestor to provide a written response to clauses (a)(i) and (ii) above.
   (b) Provide to the Manager (copied to the Requestor) within 5 working days of the time stated in (a)(iv) above:
      (i) the Proposed SMP;
      (ii) the information provided to the Requestor under clause (a)(i) and (ii) above;
      (iii) any response provided by the Requestor in accordance with clause (a)(iv) above; and
      (iv) a request for the Manager to certify whether the Proposed SMP is in accordance with the objectives and outcomes of Schedule 2 and is the BPO for the proposal.

4. Upon receiving the information listed in 3(b) above, the Manager will:

   (i) provide the material required under Item 3(b)(i) to 3(b)(iii) to the TRG and request comment from the TRG on whether the Proposed SMP, and in particular any matters in dispute, is in accordance with the objectives and outcomes of Schedule 2 and is the BPO for the proposal. The Manager shall nominate a timeframe for the TRG to provide its response.
   (ii) In writing with reasons, certify or decline to certify the SMP when considered against the requirements of Item 3(b)(iv) above.

   To certify the SMP the Manager must be satisfied that the final extent and terms of the SMP is in accordance with the objectives and outcomes of Schedule 2 and is the BPO for that proposal.

5. The decision of the Manager is binding on the Consent Holder; and the extent and terms of the SMP determined by the Manager is deemed to be an adopted SMP for the purposes of Condition 2, unless in the opinion of the Consent Holder the proposed SMP places obligations on the Consent Holder which it cannot reasonably fulfil.
6. Costs relating to the Manager's functions must be paid by the Consent Holder. Costs incurred by the Consent Holder and Requestor relating to clauses 2-4 lie where they fall.
7. If at any time through this process agreement is reached between the Consent Holder and the requestor, then clause 2 applies and no additional action is required.

Advice Notes:

It is expected that there will be a significant level of engagement throughout the SMP Acceptance process, including the process under Item 3 of this schedule.

Nothing in this schedule prevents a requestor at any stage seeking a resource consent for the diversion and discharge of stormwater. If the Manager deems the proposal is not in accordance with Schedule 2 or is not the BPO, the requestor can apply for a resource consent.

Schedule 9: Definition of Terms Used in the NDC Conditions

Public Stormwater Network

The stormwater network owned by Auckland Council and operated by Healthy Waters on behalf of Auckland Council including that which is currently existing and the future network as constructed by, or on behalf of, Healthy Waters or which is constructed by other parties and vested in Auckland Council

The *Public Stormwater Network* does not include stormwater networks owned and operated by other public agencies for managing stormwater associated with their activities, nor stormwater network that is owned by a private entity.

Assessment of Changes to Catchment Discharges (ACCD)

An internal process adopted by Healthy Waters to ensure compliance with the NDC conditions, including the performance requirements for Council renewal, maintenance and upgrade works in Schedule 4. The ACCD assesses *Capital Works Projects* to confirm that any change in stormwater diversion and discharge is within the scope of that authorised by the NDC.

Existing Stormwater Consents

Operative stormwater diversion and discharge consents that are held by Healthy Waters and which will (subject to assessment) be superseded by the NDC and subsequently surrendered.

Existing Stormwater Consents do not include resource consents held by Healthy Waters for activities other than stormwater diversion and discharge, for example resource consents for outfall structures etc.

Capital Works Projects

A stormwater infrastructure project that is undertaken by Healthy Waters

Certified Hearings Commissioner

A person who is certified as a hearing commissioner under the Making Good Decisions Programme or such other accreditation as approved by the Minister for the Environment pursuant to section 39A of the RMA.

Certified Hearings Chairperson

A *Certified Hearing Commissioner* who is also certified as a Panel Chairperson under the Making Good Decisions Programme. For the purposes of the NDC, it is anticipated that a *Certified Hearings Chairperson* would have relevant planning and stormwater management experience and adjudicate on any dispute in an independent and impartial manner, consistent with the expectations for a *Certified Hearings Commissioner.*

The Manager

The manager of Auckland Council's Resource Consents Department or the equivalent position, or his /her appointed nominee.

Schedule 10: Adopted or transferred stormwater management plans

Waikahikatea Stream, Albany:
It is a requirement that any SMP located in and diverting and / or discharging water into the Waiahiketea stream catchment upstream of the Fairview Ave bridge, shall not allow any increase in pre and post stormwater flow in the 1% AEP flood level event where the stream and its tributaries flow through or adjacent to land described as Lots 1 and 3 DP 208793 (known as 56 Fairview Avenue and 129 Oteha Valley Road, Albany). The pre development stormwater flow levels shall be assessed in terms of 2016 flow level.