

# Auckland Stormwater Bylaw Implementation

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Auckland Council  
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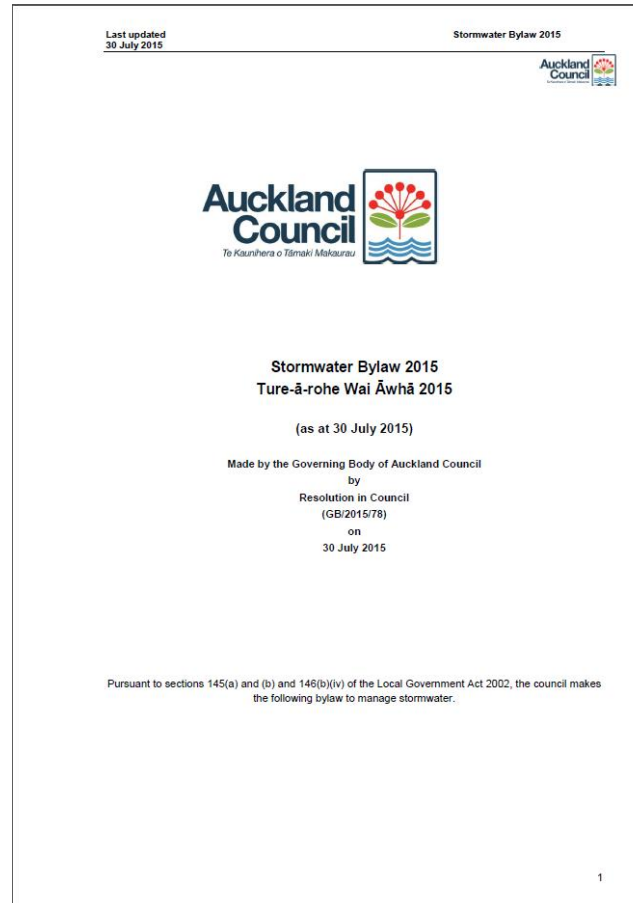


# Outline for Today

- The Auckland Stormwater Bylaw 2015
- Auckland Council's approach on SW Bylaw implementation
- Lessons learnt and our future plan

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# Stormwater Bylaw 2015



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# Regulatory Tools for Stormwater Management

Reprint as at 1 March 2017



## Local Government Act 2002

Public Act 2002 No 84  
Date of assent 24 December 2002  
Commencement see section 2



## Resource Management Act 1991

Reprint as at 30 May 2017



## Building Act 2004

Public Act 2004 No 72  
Date of assent 24 August 2004  
Commencement see section 2

Reprint as at 1 March 2017

## Land Drainage Act 1908

Public Act 1908 No 96  
Date of assent 4 August 1908



Reprint as at 1 March 2017



## Soil Conservation and Rivers Control Act 1941

Public Act 1941 No 12  
Date of assent 29 September 1941  
Commencement 29 September 1941

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# Why We Need the SW Bylaw

- Different focuses and outcomes



RMA legislates how New Zealanders should manage our environment

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# Why We Need the SW Bylaw

- Different focuses and outcomes



LGA provides the general framework and power that local authorities operate

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# Why We Need the SW Bylaw

- Different focuses and outcomes



Building Act governs the building industry to ensure people's safety.

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# Example on Contaminant Discharge

## – RMA vs. SW Bylaw

- **RMA S15(1)(a)**

*No person may discharge any contaminant or water into water unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.*

- **SW Bylaw 15(1)**

*No person may discharge directly or indirectly a contaminant into the public stormwater network if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves or that person is expressly authorized by an operative resource consent.*

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# Example on Contaminant Discharge

## – RMA vs. SW Bylaw

- **RMA**
- ❖ Considers effects on the “Environment (water)”
- ❖ Definition of “Water” in the RMA does not include water in any pipe, tank, or cistern



- **SW Bylaw**
- ❖ Focuses on the management of the “Public Stormwater network”
- ❖ Stormwater network does have pipe, tank, or cistern



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# Example on Stormwater Management AUP vs. SW Bylaw

## ○ AUP

- ❖ No specific definition on the “Public stormwater network” and the “Private stormwater system”
- ❖ Does not clarify responsibility on management and maintenance.

## ○ SW Bylaw

- ❖ Has clear definition on both “Public stormwater network” and “Private stormwater system”
- ❖ Clearly states private stormwater system owners’ responsibility

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# Example on Stormwater Management AUP vs. SW Bylaw

Public



Private



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# Auckland Council's Approach

- Standard operating policy and procedure
- Departments and units working together collaboratively
- Regular trainings to staff involved in SW Bylaw implementation

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# Auckland Council's Approach – Standard Approval Process

Engineering Plan approval, Building Consent Approval, New Connection Application Approval, Global Works Over Approval, Authority for Access to Public Network Approval....

All have standard process and guidance.

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# Auckland Council's Approach - Standard Approval Process

Engineering Plan approvals:

- ❖ major approval
- ❖ Minor approval

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# Auckland Council's Approach - Standard Approval Process

## Building Consent Approvals

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# Auckland Council's Approach - Standard Approval Process

New Application Approvals

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# Auckland Council's Approach - Standard Approval Process

Global Works Over Approvals

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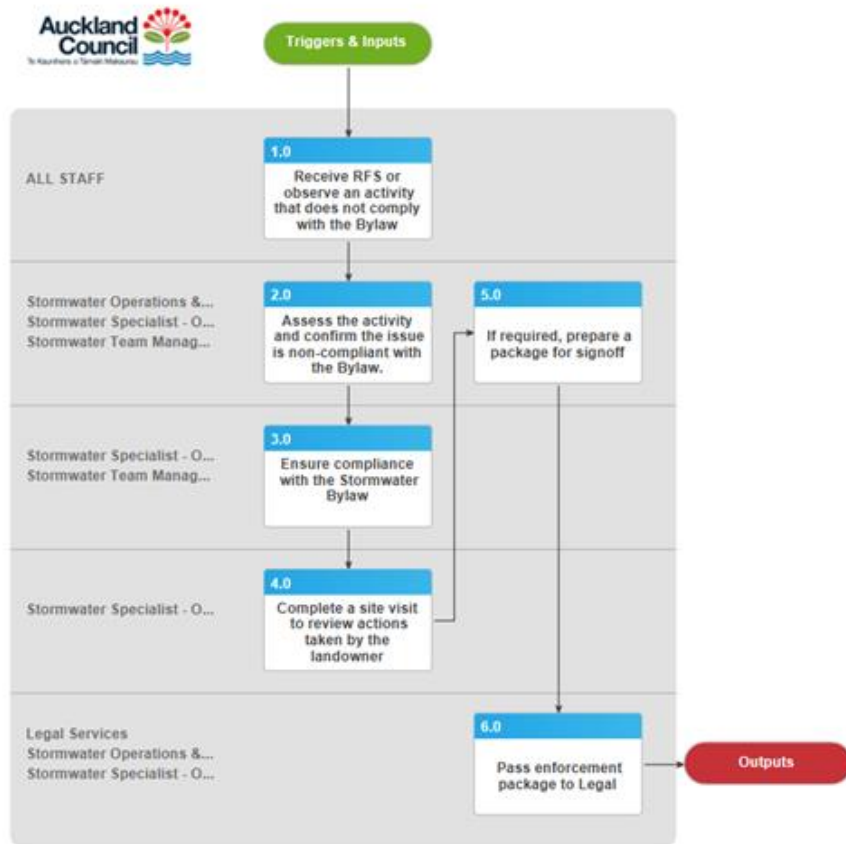


# Auckland Council's Approach - Working Collaboratively

Roles and Responsibilities for Stormwater Bylaw 2015								
	Description	Clause in SW Bylaw where applicable	Details	Example(s)	Enforcement tool	Primary Responsible Department	Unit	Agreed
9	Stormwater network development and connections	9.3	Stormwater into wastewater system	Roof downpipe or driveway catchpit connected to	SLA between Building Control and Watercare	Building Control	Compliance	✓
10	Works and activities in close proximity to the stormwater network	10.2.a - d	Granting approval for Works Over for Private Property and Parks	Retaining walls and other subdivision or development activities	Bylaw or RMA	Resource Consents	Development Engineering	✓
11	Works and activities in close proximity to the stormwater network	10.2.a - d	Granting approval for Works Over in Road Corridor	Utility duct drilled through SW network	Bylaw	SWU	Stormwater Specialist	✓
12	Works and activities in close proximity to the stormwater network	10.2.a	Excavation in breach of District Plan	Excavations that undermine the SW network not included in approved RC plans	RMA	Resource Consents	Compliance	✓
13	Works and activities in close proximity to the stormwater network	10.2.a	Excavation issue but not in breach of District Plan	Replacing a house pile or installing a fence that damages stormwater network. (where no BC is required for the work)	Bylaw	SWU	Stormwater Specialist	✓
14	Works and activities in close proximity to the stormwater network	10.2.a	Excavation relating to a structure under a Building Consent	construction such as a pile constructed over or through the SW pipe causing damage, not included in approved BC plans. Construction still in progress.	Building Act	Building Control with assistance from SWU if required	Inspectors	✓

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# Auckland Council's Approach - Compliance



## STORMWATER BYLAW COMPLIANCE & ENFORCEMENT ASSESSMENT TABLE

Item	Description	Notes	Check
1.0	Is Stormwater Bylaw Compliance required? If the answers to any of the questions below are 'YES', then proceed with the compliance process, subject to approval from a Team Leader or Manager.		
1.1	Is there a risk of a breach of the stormwater bylaw that will cause flood damage to property or public safety? I.e. a major blockage to a watercourse in a known flood prone area.		
1.2	Is there a risk of the breach of the stormwater bylaw that will pose a risk to public health and safety? I.e. Utility operator damaging a brick manhole chamber that is likely to collapse.		
1.3	Has the breach caused damage to the public stormwater network requiring remedial works where the offending party has no approvals? I.e. A pile through a public stormwater network.		
1.4	Is the breach likely to have a major impact on the environment I.e. stockpiling of hazardous substance or material in an overland flow path?		
1.5	Are there a large number of complaints relating to a single bylaw breach and is the issue likely to escalate?		
2.0	What information is required to commence enforcement action?		
2.1	The offending party's contact details, name, address, phone contacts, and email if possible.		
2.2	Specific details of the offence including date when first found		
2.3	Log of site visits.		
2.4	Log of meetings with the offending party.		
2.5	Log of all correspondence including letters and phone calls.		
2.6	Log of meetings with complainant or other landowners.		
2.7	Any specialist reports obtained by the SW unit in relation to the issue.		
2.8	Record of evidence received from any witnesses I.e. other landowners; specialist witness might include a surveyor.		
3.0	What other information is required?		
3.1	Dated clear Photographic evidence.		
4.0	Handover to Council's Legal Team Compile all the required information as per the prosecution pack see Section 4.3 Stormwater Bylaw Enforcement - Policy and Procedure Manual and complete a handover meeting with Council's Legal Team.		

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# Lessons Learnt and Future Plan

- Record System



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# Lessons Learnt and Future Plan

- Stormwater Private Devices Database

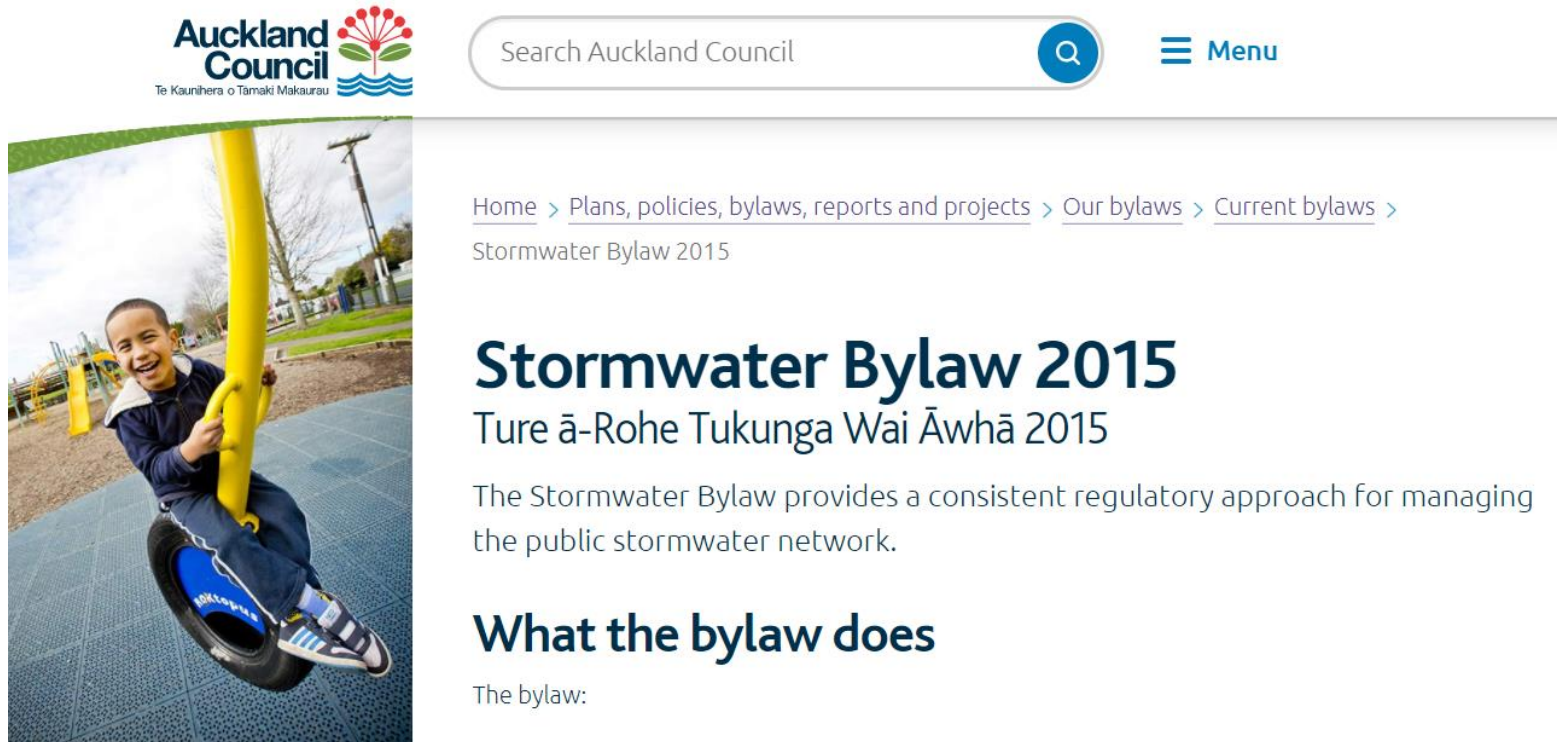


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# Lessons Learnt and Future Plan

- Education and Monitoring



The screenshot shows the Auckland Council website interface. At the top left is the Auckland Council logo with the Māori name 'Te Kaunihera o Tāmaki Makaurau'. To its right is a search bar containing the text 'Search Auckland Council' and a magnifying glass icon. Further right is a menu icon and the text 'Menu'. Below the navigation bar is a breadcrumb trail: 'Home > Plans, policies, bylaws, reports and projects > Our bylaws > Current bylaws > Stormwater Bylaw 2015'. The main heading is 'Stormwater Bylaw 2015' with the Māori title 'Ture ā-Rohe Tukunga Wai Āwhā 2015'. Below this is a paragraph: 'The Stormwater Bylaw provides a consistent regulatory approach for managing the public stormwater network.' A sub-heading 'What the bylaw does' is followed by the text 'The bylaw:'. On the left side of the screenshot is a photograph of a young boy smiling while sitting on a yellow playground structure.

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# Conclusion

- SW Bylaw is a useful regulatory tool
- The Bylaw implementation framework has been well set up in Auckland
- The SW Bylaw will play an important role on the public stormwater system management in future

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# Questions?



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