

# ***Draft Stormwater Bylaw – Summary of feedback***

**To support hearings 29 September 2022**

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## 1.1 Summary of feedback received

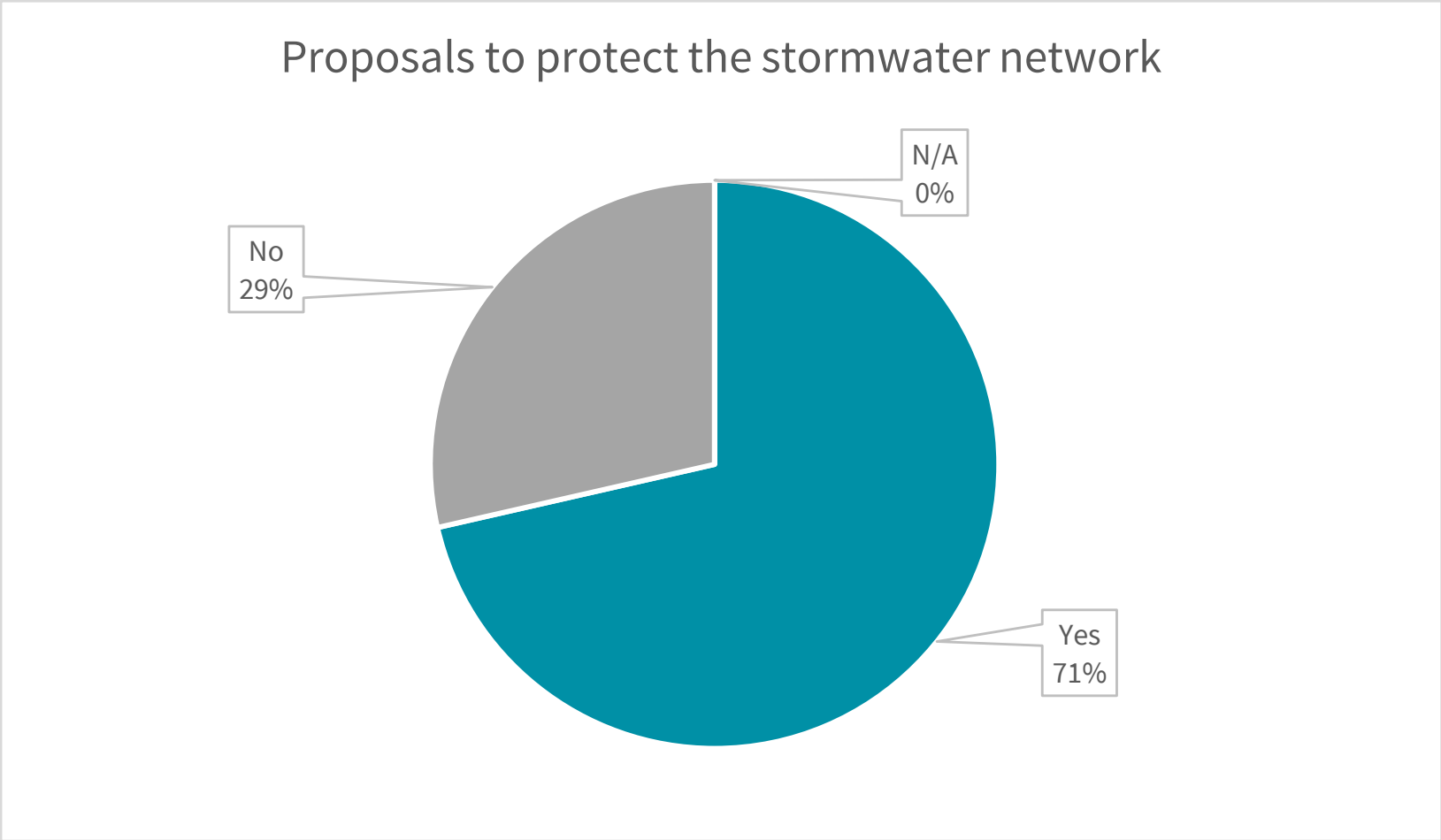
Public consultation on the Draft Stormwater Bylaw was undertaken from Thursday 18 August to Sunday 18 September 2022.

- A total of 7 submissions were received.
- All submissions were received on time.
- Two submitters indicated they wanted to be heard on their submission form (2 attending as at 20 September 2022).

## 1.2 Proposals to protect the stormwater network

Based on the question “Do you agree with our proposals to protect the stormwater network?”

Support?	Number of people
Yes	5
No	2
N/A	0
<b>Total</b>	<b>7</b>



### 1.2.1 Proposals to protect the stormwater network

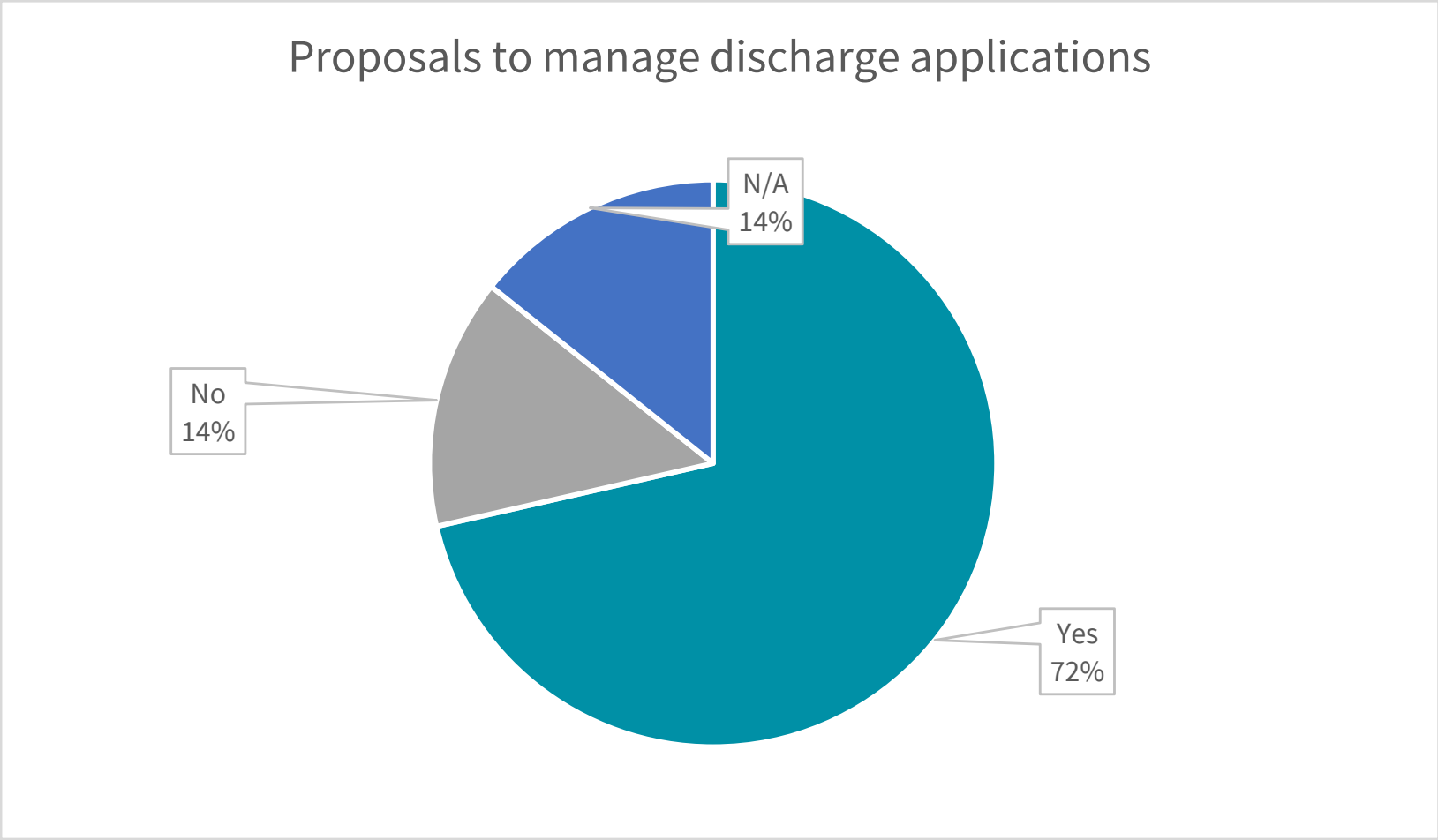
Submitter name	Page	Summary	Staff comments
SMITH, Grant		<ul style="list-style-type: none"> <li>Submitter states Council should take control of all stormwater discharge rather than let it be discharged into the ground water.</li> </ul>	NOTED

Submitter name	Page	Summary	Staff comments
WHITE, Antony		<ul style="list-style-type: none"> <li>Submitter disagrees with Options 1 &amp; 2, especially as Council indicated no disadvantages with option 1. Every option has pros and cons.</li> </ul>	<p>NOTED. The submitter is correct to note that every option has pros and cons, In the case of options 1 and 2, referred to in the consultation document, this is included to demonstrate compliance with Section 86 of the Local Government Act 2002, reflecting the reasonably practical options considered by Council in deciding to consult on the draft Bylaw, where the objective of the decision included compliance with Council's resource consent.</p> <p><b>Richard Mabon</b></p>
EASON, Ed		<ul style="list-style-type: none"> <li>Submitter wants to see regular cleaning and disposal of leaves and rubbish from sumps to help prevent localised flooding.</li> </ul>	<p>NOTED. Council engages HEB as its roading maintenance contractor and this work is part of that contract.</p> <p><b>Richard Mabon/Mark Chamberlain</b></p>
ASHBURTON CITIZENS ASSOCIATION (Donna Favel)		<ul style="list-style-type: none"> <li>Submitter agrees with proposals to protect stormwater network.</li> <li>Submitter also asks that Council standardise vehicle crossings. Refers to Dunedin City practice.</li> <li>Submitter would also like to see more stormwater grates to catch litter and stormwater contaminants.</li> <li>Submitter asks that Council ensure that the stormwater network remains fit for purpose.</li> </ul>	<p>NOTED.</p> <p>NOTED. Council has begun work on a set of development standards for subdivisions. Officers agree that more consistency would be good, kerb and channel and vehicle crossings have been constructed over many years so some level of inconsistency is inescapable as standards change over time.</p> <p>NOTED.</p> <p>NOTED.</p> <p><b>Richard Mabon/Andrew Guthrie/Aliesha Esker/Mark Chamberlain</b></p>
FUEL COMPANIES (Mark Laurenson)		<ul style="list-style-type: none"> <li>Section 5.5.1 of the Bylaw states that no person may cause or allow any Prohibited Substance to enter the network or be stored, handled, or transferred in a manner that may enter the network .</li> <li>It also states that prevention may require measures such as secondary containment, bunding and spill kits. This is supported, but further direction is important to provide for efficient management of the network for all parties.</li> </ul>	<p>NOTED.</p>

### 1.3 Proposals to manage discharge applications

Based on the question “Do you agree with our proposals to manage applications to discharge?”

Support?	Number of people
Yes	5
No	1
N/A	1
<b>Total</b>	<b>7</b>



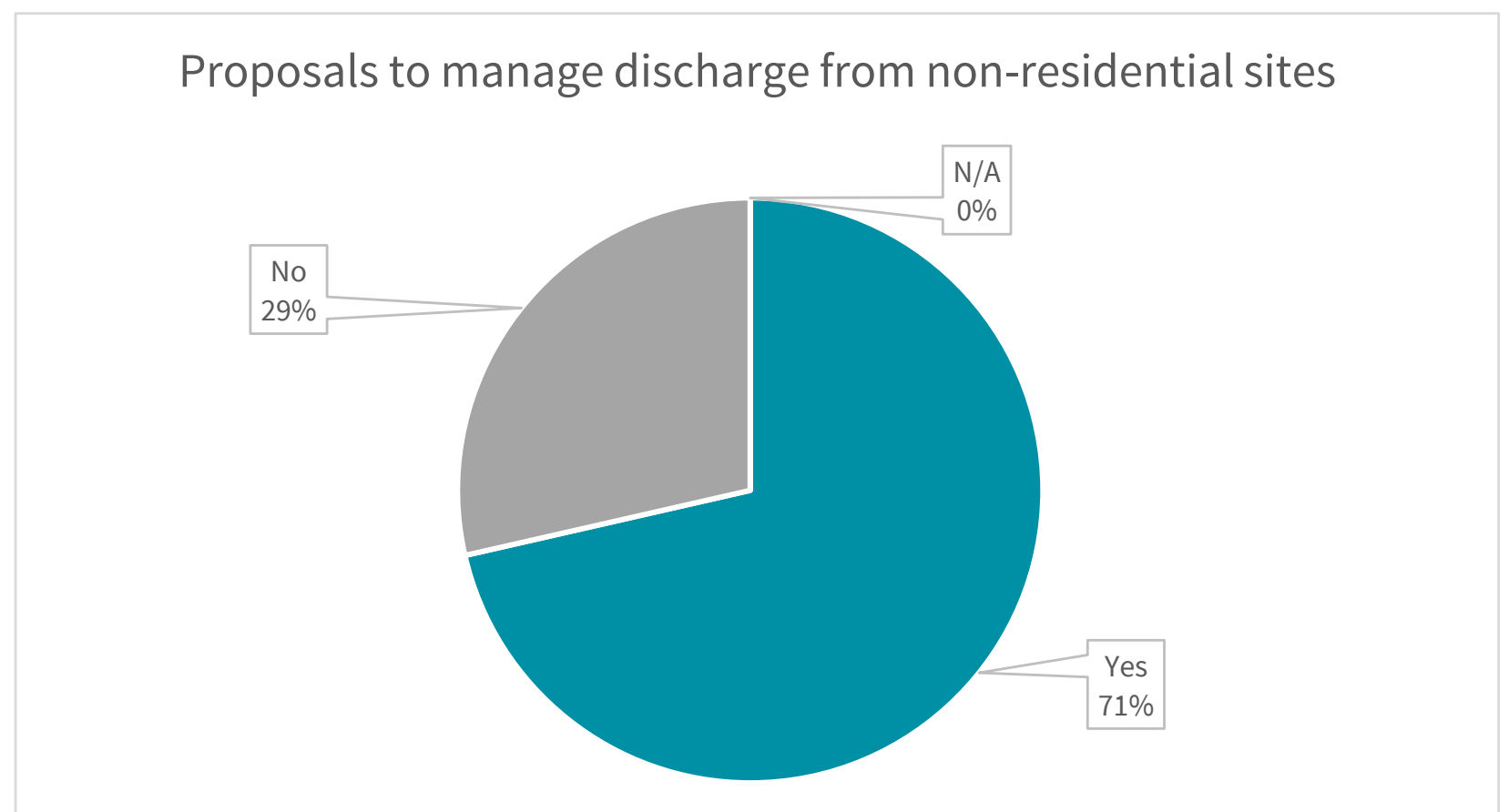
### 1.3.1 Proposals to manage discharge applications

Submitter name	Page	Summary	Staff comments
FUEL COMPANIES (Mark Laurenson)		<ul style="list-style-type: none"> <li>Section 6.2 addresses stormwater quality standards and states that the Council may, by resolution, specify standards for discharges to the stormwater network, including for specific situations, activities, or industries. An explanatory note records that any such resolution will require consideration of affected persons.</li> <li>The Fuel Companies therefore expect further opportunities to input re the same and ensure that the measures are appropriate for management of discharges from petroleum industry sites.</li> </ul>	NOTED.

### 1.4 Proposals to manage discharge from non-residential sites

Based on the question “Do you agree with our proposals to manage discharge from non-residential sites?”

	Number of people
Yes	5
No	2
N/A	0
<b>Total</b>	<b>7</b>



### 1.4.1 Proposals to manage discharge from non-residential sites

Submitter name	Page	Summary	Staff comments
MILLICHAMP, David		<ul style="list-style-type: none"> <li>Submitter believes Council should take care with our businesses in these times. Submitter advises Council to reduce rules to encourage business.</li> </ul>	<p>Council recognises that compliance costs have an economic impact on businesses. At the same time, failure of the stormwater system can also impose costs for businesses and other ratepayers. Council will be working to inform and educate businesses and developers to enable cost-effective compliance.</p> <p><b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b></p>
FUEL COMPANIES (Mark Laurenson)		<ul style="list-style-type: none"> <li>The <i>Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand</i> are embedded in the Fuel Companies' operations and are widely accepted as good practice for management of sites which store and use petroleum hydrocarbons.</li> <li>Fuel Companies activities are mitigating those risks through the following key mechanisms:               <ol style="list-style-type: none"> <li>Segregation of fuel transfer activities from balance site areas using site contouring and dedicated drainage systems;</li> <li>The operation and maintenance of oil and water separators designed to treat total petroleum hydrocarbons (TPH) and total suspended solids (TSS) entrained in stormwater runoff to a maximum discharge standard of</li> </ol> </li> </ul>	<p>NOTED.</p> <p>Officers note the statements regarding the <i>Guidelines</i>. Officers will need to demonstrate compliance with Council's stormwater discharge resource consent under the Canterbury Land and Water Plan.</p> <p><b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b></p>



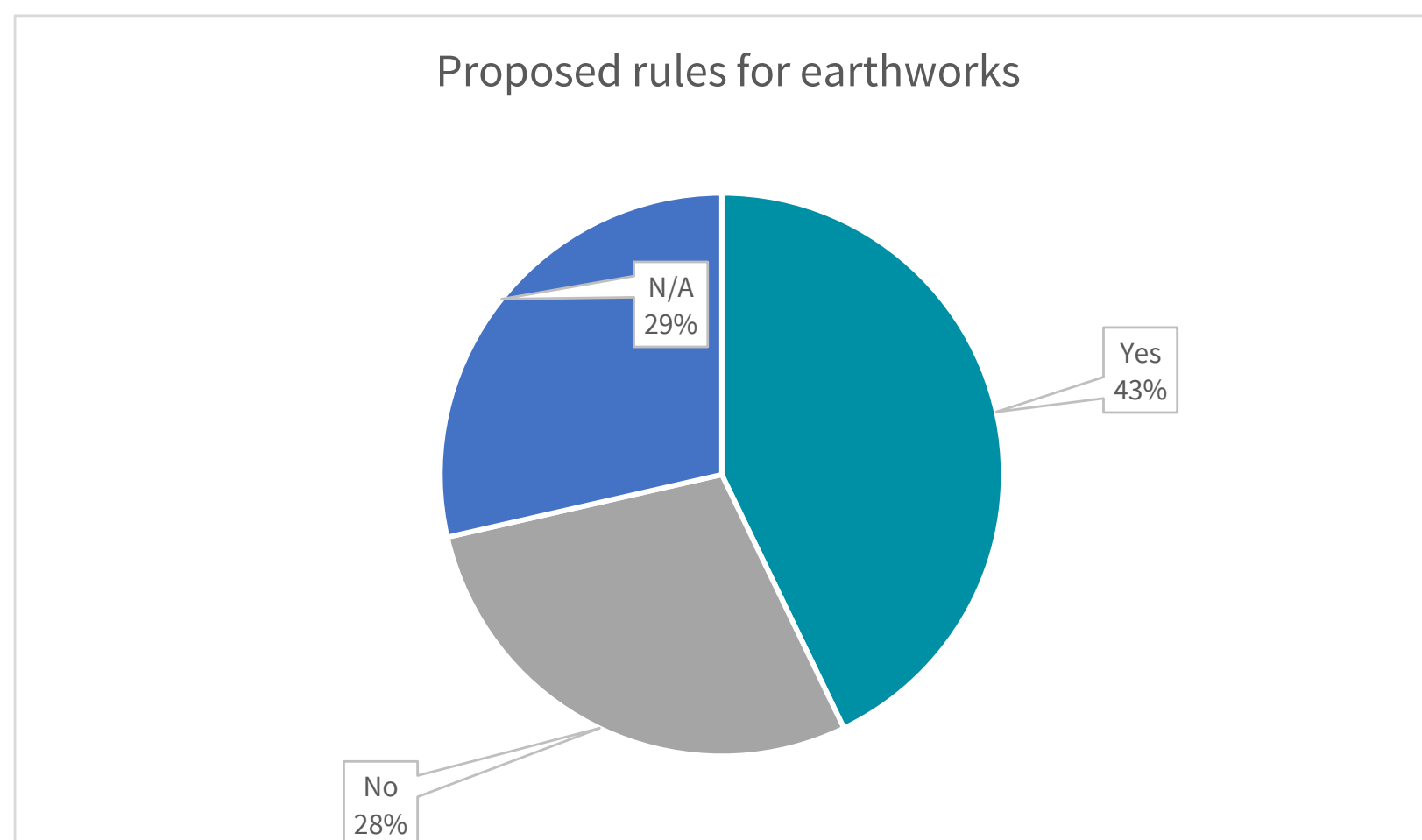
Submitter name	Page	Summary	Staff comments
		<p>15mg/L and 100mg/L respectively while also providing for spill containment up to 2,500L; and</p> <p>iii. Site practice and procedures documenting matters such as inspection, maintenance and clean out frequency for separators and steps that should be taken in the event of a spill.</p>	
		<ul style="list-style-type: none"> <li>• Section 7 states that Council must, by resolution, adopt a register of Non-Residential Sites and assign a risk classification to them with Council to require monitoring commensurate to their risk.</li> <li>• The Fuel Companies support this approach in principle but consider what is critical is the risk classification of its sites and the detail of associated monitoring.</li> <li>• The Submitter seeks that any risk classification system proposed by Council recognises that the key contaminants at petroleum industry sites can be appropriately managed by way of oil-water separators and that well maintained API and SPEL devices have been demonstrated to achieve a high standard of mitigation for hydrocarbons and sediment.</li> <li>• As the performance of Guideline compliant sites is well documented through numerous technical reports and a range of monitoring that has been undertaken over many years, ongoing monitoring of the same is not required. Rather, the focus should be on ensuring appropriate operation and maintenance of these sites, for instance by requiring operators to provide management plans and maintenance schedules. The Fuel Companies would support Council audits in this respect.</li> <li>• The requirement in the Bylaw for Stormwater Protection Plans is supported. Clause 7.2.2 addresses what these must include and is similarly supported, subject to the following amendments to two of the sub clauses to focus on stormwater (not wastewater), and identification of sources of contamination, as managed by subsequent requirements of the plan. Deletions are shown in strikethrough and additions in underline.</li> <li>• <i>7.2.2 The Stormwater Protection Plan must include:</i>  <i>(a) A suitably scaled drawing showing the site layout, boundaries, <del>and the private Stormwater system and Wastewater drainage</del> including the point or</i> </li> </ul>	<p>NOTED.</p> <p>Officers will need to demonstrate compliance with Council's stormwater discharge resource consent under the Canterbury Land and Water Plan.</p> <p>Officers agree that the reference to wastewater drainage should be removed. While other content may not be applicable to</p>

Submitter name	Page	Summary	Staff comments
		<p><del>points of connection to the Stormwater network or discharge from the Site, relevant buildings, and outdoor spaces (including their use); and a catchment plan demonstrating how stormwater on site is directed;</del></p> <ul style="list-style-type: none"> <li><del>(b) A site assessment identifying all actual and potential</del> <u>Identification of sources of Stormwater contamination;</u></li> </ul>	<p>Petroleum sites, they can be relevant to other Non-residential sites and should remain.</p> <p><b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b></p>

## 1.5 Proposed rules for earthworks

Based on the question “Do you agree with our proposed rules for earthworks?”

	Number of people
Yes	3
No	2
N/A	2
<b>Total</b>	<b>7</b>



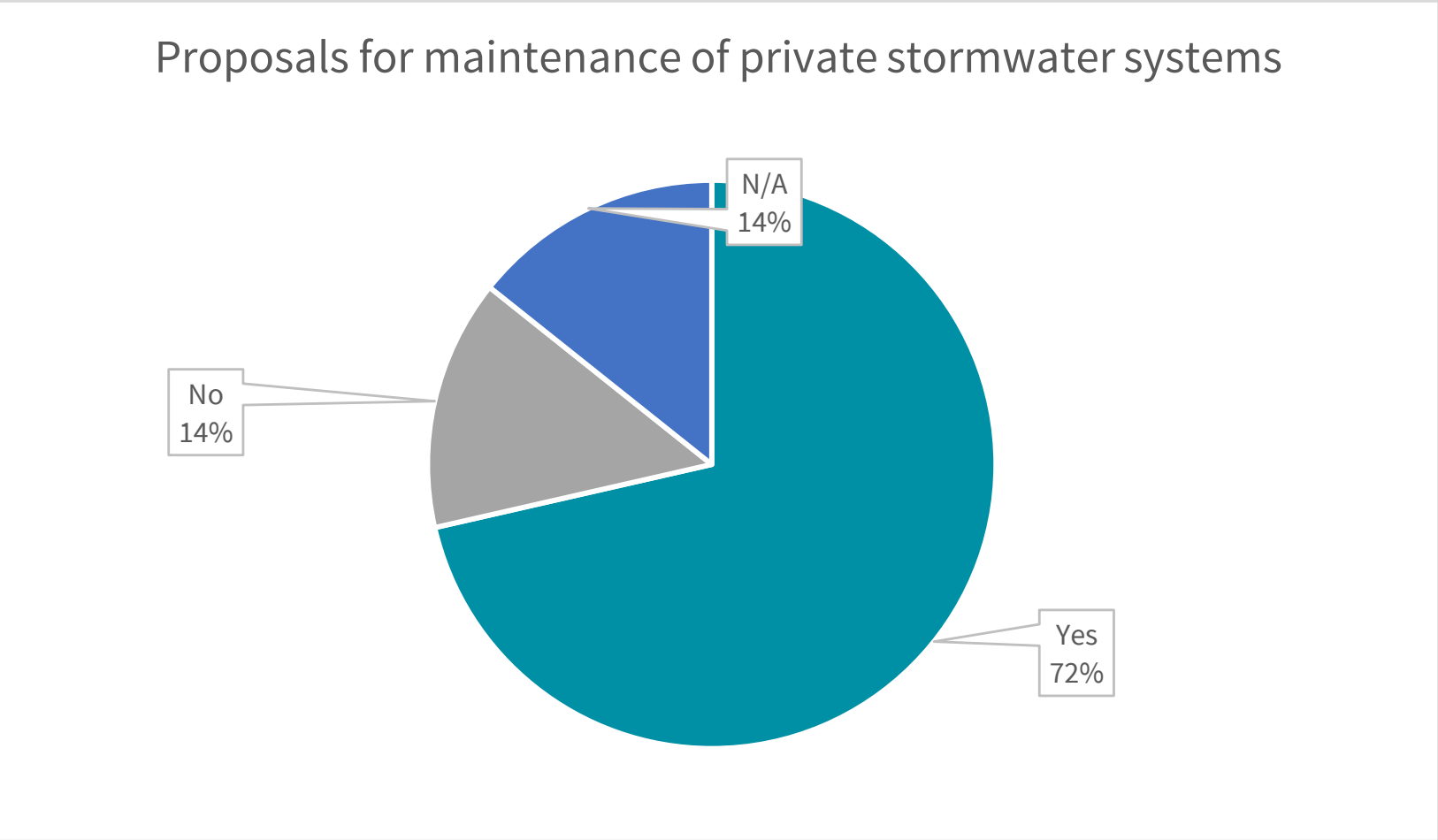
### 1.5.1 Proposed rules for earthworks

Submitter name	Page	Summary	Staff comments
COLLINS, Jim		<ul style="list-style-type: none"> <li>• Submitter does not agree with proposed rules. Notes that earthworks should be subject to a solid plan and finding competent engineering.</li> </ul>	NOTED.
FUEL COMPANIES (Mark Laurensen)		<ul style="list-style-type: none"> <li>• Section 8.1 addresses sedimentation and erosion protection and requires development be undertaken in accordance with Canterbury Regional Council’s Erosion and Sediment Control Toolbox. Sub clause 8.1.3 specifically requires that an Erosion and Sediment Control Plan must be prepared for any development areas for which the construction phase stormwater discharge is authorised by any Council Stormwater Network Discharge Consent.</li> <li>• Fuel Companies periodically undertake earthworks (e.g. minor maintenance, tank removals, pipe upgrades) and acknowledge the need for the development, installation, and maintenance of erosion and sediment control measures for earthworks activities.</li> <li>• Where works cannot be managed to avoid a potential discharge of construction phase stormwater to the network, the Fuel Companies seek clarity that submission of an Erosion and Sediment Control Plan in accordance with the toolbox is what is required for deemed approval from Council for these potential discharges. This is important to the application of Rule 5.93A of the LWRP which only provides for construction phase stormwater discharges as a permitted activity subject to permission from the owner of the reticulated system.</li> </ul>	<p>NOTED.</p> <p>Submission of an Erosion and Sediment Control Plan is one part of Section 8. Failure on other parts of Section 8 can provide grounds for corrective action.</p> <p><b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b></p>

### 1.6 Proposals for maintenance of private stormwater systems

Based on the question “Do you agree with our proposals for maintenance of private stormwater systems?”

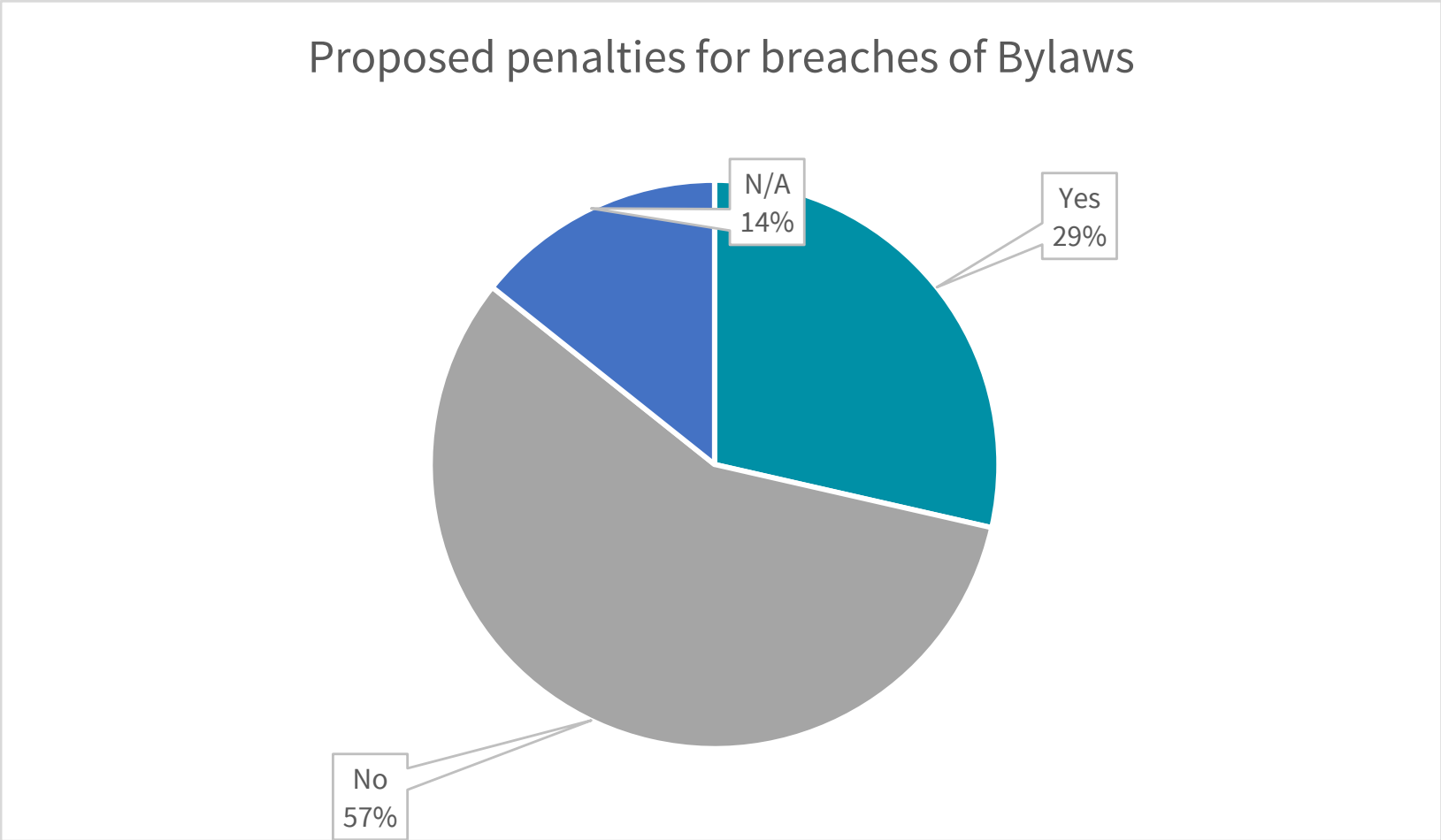
	Number of people
Yes	5
No	1
N/A	1
<b>Total</b>	<b>7</b>



### 1.7 Proposed penalties for breaches of the Bylaw

Based on the question “Do you agree with our proposed penalties for breaches of the Bylaw?”

	Number of people
Yes	2
No	4
N/A	1
<b>Total</b>	<b>3</b>



#### 1.7.1 Proposed penalties for breaches of the Bylaw

Submitter name	Page	Summary	Staff comments
MILLICHAMP, David		<ul style="list-style-type: none"> <li>Submitter believes definition of Prohibited Substances is very broad</li> </ul>	Under Council’s resource consent for stormwater discharge, we have permission to disturb rainwater back into water bodies and ground water. The definition of prohibited substances is purposefully broad and reflects the definitions in council’s resource consent. The aim is to

Submitter name	Page	Summary	Staff comments
		and believes Bylaw should be more specific.	discourage the discharge of silt, poisons, chemicals and other undesirable materials into the receiving environment.  <b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b>
ASHBURTON CITIZENS ASSOCIATION (Donna Favel)		<ul style="list-style-type: none"> <li>Submitter requests that ADC introduce penalties for non-compliant driveway access which interrupts the flow of stormwater.</li> </ul>	This is covered by Section 5.1.1.(c) and Section 7 of the Bylaw.  <b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b>

## 1.8 Other comments

Submitter name	Page	Summary	Staff comments
WHITE, Antony		<ul style="list-style-type: none"> <li>Submitter believes that Council is missing the point. Submitter would prefer emphasis to be placed on grey water systems and collection of water off roofs for use in gardens (and grey water systems) even if consented by Council. This will take pressure off the water network during droughts, plus potentially collect some excess water during floods. Some industrial sites are high users of water, so why not encourage and incentivise the use of tanks to collect runoff to take pressure off stormwater and drinking water systems.</li> </ul>	Council notes the submitter's advocacy for non-regulatory interventions that encourage people to maximise the resource value of stormwater and relieve pressure on stormwater and drinking water systems. Officers support these ideas. The Bylaw is a regulatory measure which enables Council to address non-compliant behaviour. Regulatory and non-regulatory measures are not mutually exclusive and Council will want to have both in its toolkit. Officers are able to do work on this if directed by Council.  <b>Richard Mabon/Andrew Guthrie/Aliesha Esker</b>
COLLINS, Jim		<ul style="list-style-type: none"> <li>Mt Somers has had two years of systemic failures with stormwater management, resulting in flooding of homes and businesses. New</li> </ul>	NOTED. The matters raised within this submission are outside the scope of this bylaw.  There are investigation works underway at present to identify potential solutions to the issues raised. Officers have also been in discussions with Environment Canterbury. This work remains ongoing.  <b>Andrew Guthrie/Aliesha Esker</b>

Submitter name	Page	Summary	Staff comments
		<p>homes built in past two years have contributed to stormwater and flooding issues. Building consent process needs review.</p> <ul style="list-style-type: none"> <li>• MHV Water, ADC &amp; ECan need an urgent policy review to determine who can redirect the water to the Ashburton River, away from the village.</li> <li>• If ADC staff cannot make it to the village, several village people need to be given a key and told to redirect water away from the town.</li> </ul>	
<p>ASHBURTON CITIZENS ASSOCIATION (Donna Favel)</p>		<ul style="list-style-type: none"> <li>• Submitter requests that ADC ensure that the network is well maintained and fit for purpose. Examples from stormwater drainage outside ATEC/Cinema</li> <li>• Submitter supports submission from Antony WHITE calling for emphasis to be placed on grey water and stormwater collection and re-use</li> <li>• Submitter encourages ADC to ensure future subdivisions require grey water systems.</li> <li>• Submitter calls for deep gutters to be covered. This is a health and safety issue. Deep gutters also carry more litter and contaminants.</li> <li>• Submitter notes and supports initiatives from Auckland Council to encourage rainwater collection. No resource consent fees for installation of rainwater collection systems.</li> <li>• Submitter notes ADC changed footpath seal with added benefit of recharging groundwater. Footpaths should be routinely maintained.</li> </ul>	<p>NOTED. Officers have observed the performance of stormwater assets outside ATEC. It appears to cope quite well during rainfall events but there will be some ponding when events exceed the design capacity of the infrastructure. This has been the case on occasion over the last few months.</p> <p>NOTED. See response to White, p 14.</p> <p>NOTED. Deep dish channels do provide more of a hazard for pedestrians and mobility scooter users, as do kerbs and channels generally, if users do not pay attention. Deep dish channels have better capacity for stormwater. Most deep dish channels are very old and should be replaced (ideally with standard kerb and channel with a stormwater pipe under) rather than covered. Covered channels reduce the capacity and are difficult to clean. Covering them also just puts a new cover on an old kerb and channel. Currently we are not funded to replace much of the deep dish channel.</p> <p>Auckland Council initiative is noted. Officers are able to do work on this if directed by Council.</p> <p>NOTED.</p> <p><b>Richard Mabon/Andrew Guthrie/Aliesha Esker/Mark Chamberlain</b></p>