
Funding Auckland's Storm Recovery and Resilience Consultation

WRITTEN FEEDBACK Late Submissions

Date published: Wednesday, 27 September 2023

Your details

Your name and feedback will be included in public documents. All other personal details will not be made publicly available.

Your local board: PAPAKURA

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)

☐ Yes ☒ No Name of organisation/business: _____

Important privacy information

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These questions are optional but will help us understand which groups of the community are engaging with us.

Your feedback (all questions are optional)

Late #1

1. Auckland Council and central government have reached a proposed package to increase the total investment into Auckland's recovery efforts, with around \$2 billion of co-funding for:

- necessary repairs to the transport network,
- improvements to reduce risks from natural hazards, and
- the one-off voluntary buy-out of around 700 homes that pose an intolerable risk to life.

Central government would provide up to \$1.1 billion in new and reprioritised existing funding, with the council contributing up to \$908 million from its sources.

Do you support the council accepting the proposed funding package?

☐ Yes ☒ No ☐ Don't know

2. Do you have any feedback about the proposal outlined in this consultation?

I do not support the Voluntary buy out of 700 homes.

3. Category 3 properties are not safe to live in because the risk from future flooding or landslips is intolerably high, and no options are available to reduce the risk at an acceptable cost. In purchasing these properties, we will have some decisions to make. This includes how we define category 3 properties, how we set the buy-out price, the size of owner contributions, and what we do about insurance settlements and uninsured and underinsured properties (see discussion on page 6 of the consultation document for more information).

Do you have any feedback on the methodology that Auckland Council should use to purchase Category 3 properties?

Properties if bought by the Council, should only be bought for the Original Cost made by the owner of the Property. I do not support the buy out of underinsured Properties - this is Owners risk.

4. As climate change increases the risk of severe weather events, Auckland Council will not be in a position to continue to buy-out other flood- and slip-affected homes. We are advocating to central government to establish a national scheme to support recovery from future events, and to put in place better processes for managed retreat in advance of disaster.

Would you support Auckland Council advocating for the establishment of national schemes for these purposes?

☐ Support ☐ Do not support ☒ Don't know

Funding Auckland's storm recovery and resilience

**AK
HAVE
YOUR
SAY**

Severe weather events in January and February 2023 have had a devastating impact on many communities and thousands of individuals across Tāmaki Makaurau / Auckland. Flooding and land slips have damaged or destroyed thousands of homes and up-ended lives. Essential lifeline infrastructure and facilities are in urgent need of repair. This includes roads, bridges, stormwater systems and community facilities.

Seven months on, many Aucklanders with impacted homes are still facing a challenging and uncertain future. We need to support these Aucklanders, and improve the resilience of our infrastructure, so that we are better prepared for severe weather events.

Working with central government, Auckland Council has secured an offer for a funding package that would enable people in the region to move forward with certainty, as quickly as possible. The proposed package increases the total investment into Auckland, with over \$1 billion in new and reprioritised central government funding. Under this proposal, central government would pay 50% of a one-off voluntary buy-out of around 700 homes that are not safe to live in because the risk from future flooding or landslips is intolerably high. They would also contribute up to \$380 million towards the cost of improvements to reduce risks from natural hazards and \$309 million towards the expected cost of repairing roads and bridges directly impacted by the storms. Auckland Council's share of the funding package would be up to \$908 million from its sources.

Auckland's recovery from the severe weather events of early 2023 is going to require significant investment, with or without central government co-funding. If we accept the funding package:

- We will receive central government funding to accelerate our efforts to improve our resilience to severe weather.
- We can get on with making improvements that would otherwise take decades to achieve.
- We can offer a process forward for category 3 property owners.
- We will need to find extra revenue to meet the council funding commitment.

AUCKLAND COUNCIL
27 SEP 2023
CBD - ALBERT ST

If we don't proceed with the funding package:

- We won't receive all the proposed funding from central government, although we could still anticipate receiving some of the transport funding in the normal way, and could apply to the National Resilience Plan for further funding without a guarantee of our applications being successful.
- We will still need to fund the necessary infrastructure repairs and improvements and may need to take longer to do this using the available council funding methods.
- We won't be in a position to buy-out category 3 homes: some property owners would face severe hardship and people would remain at risk.

We encourage you to read the details of the package in the consultation document and have your say on how Auckland Council should proceed. The funding commitment in this proposed package is significant, so we need to understand Aucklanders' views before we can decide whether to agree to commit to it or not.

Scan and email your completed form to: stormrecoveryconsultation@aucklandcouncil.govt.nz

Post your completed form to:

Auckland Council
Attn: Storm Recovery Consultation
Freepost Authority 190153
Private Bag 92300, Victoria Street West
Auckland, 1142

Your details

Your name and feedback will be included in public documents. All other personal details will not be made publicly available.

Your local board: Mount Albert (point Chevalier)

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)

☐ Yes ☒ No Name of organisation/business: —

Important privacy information

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Your feedback (all questions are optional)

1. Auckland Council and central government have reached a proposed package to increase the total investment into Auckland's recovery efforts, with around \$2 billion of co-funding for:
- necessary repairs to the transport network,
 - improvements to reduce risks from natural hazards, and
 - the one-off voluntary buy-out of around 700 homes that pose an intolerable risk to life.

Central government would provide up to \$1.1 billion in new and reprioritised existing funding, with the council contributing up to \$908 million from its sources.

Do you support the council accepting the proposed funding package?

☒ Yes ☐ No ☐ Don't know

2. Do you have any feedback about the proposal outlined in this consultation?

3. Category 3 properties are not safe to live in because the risk from future flooding or landslips is intolerably high, and no options are available to reduce the risk at an acceptable cost. In purchasing these properties, we will have some decisions to make. This includes how we define category 3 properties, how we set the buy-out price, the size of owner contributions, and what we do about insurance settlements and uninsured and underinsured properties (see discussion on page 6 of the consultation document for more information).

Do you have any feedback on the methodology that Auckland Council should use to purchase Category 3 properties?

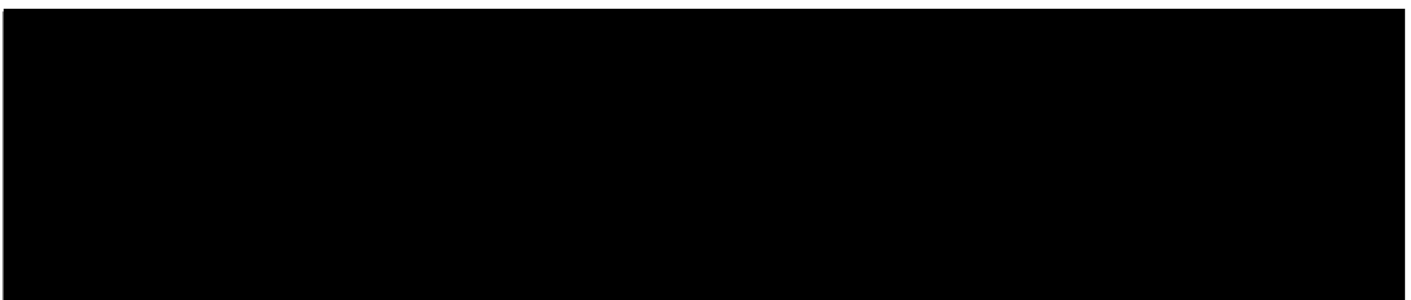
People who do not pay to have their properties insured will create a greater rate burden than those who have fully insured theirs, so they should pay more towards buying back their category 3 properties.

However costs for fixing council property should be shared between all rate payers.

4. As climate change increases the risk of severe weather events, Auckland Council will not be in a position to continue to buy-out other flood- and slip-affected homes. We are advocating to central government to establish a national scheme to support recovery from future events, and to put in place better processes for managed retreat in advance of disaster.

Would you support Auckland Council advocating for the establishment of national schemes for these purposes?

☒ Support ☐ Do not support ☐ Don't know



Your details

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AUCKLAND COUNCIL
25 SEP 2022

Your local board: WAITAKERE

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)

☒ Yes

☒ No

Name of organisation/business: _____

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Do you support the council accepting the proposed funding package?

☒ Yes ☐ No ☐ Don't know

2. Do you have any feedback about the proposal outlined in this consultation?

I believe the category 3 payouts should be based on existing CV. On the road repairs it seems that a lack of council maintenance and infrastructure has also played a part in the destruction of land slipping in intense

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Do you have any feedback on the methodology that Auckland Council should use to purchase Category 3 properties?

more attention should be paid to the neighbouring properties of category 3, especially if they are located next to or on an existing water course, as slip damage and flooding may occur in future catastrophic weather events, these may be best to become, making space for water."

4. As climate change increases the risk of severe weather events, Auckland Council will not be in a position to continue to buy-out other flood- and slip-affected homes. We are advocating to central government to establish a national scheme to support recovery from future events, and to put in place better processes for managed retreat in advance of disaster.

Would you support Auckland Council advocating for the establishment of national schemes for these purposes?

☐ Support ☐ Do not support ☒ Don't know

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Auckland Council's Proposed Storm Recovery

Tuesday, 26 September 2023 10:55 am
Storm Recovery Consultation

My name is [REDACTED]. I was approached by the owner of the following property to respond to the letter they received from you regarding the proposed storm recovery funding.

Their reason of approaching is that they have no access or knowledge to and on a computer.

[REDACTED]

As the owner of the above-named property that was affected by the extreme weather event in 2023, we totally support the storm recovery package.

Kind Regards,

[REDACTED]

Funding Auckland's storm recovery and resilience

**AK
HAVE
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Seven months on, many Aucklanders with impacted homes are still facing a challenging and uncertain future. We need to support these Aucklanders, and improve the resilience of our infrastructure, so that we are better prepared for severe weather events.

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- We will receive central government funding to accelerate our efforts to improve our resilience to severe weather.
- We can get on with making improvements that would otherwise take decades to achieve.
- We can offer a process forward for category 3 property owners.
- We will need to find extra revenue to meet the council funding commitment.

If we don't proceed with the funding package:

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- We won't be in a position to buy-out category 3 homes: some property owners would face severe hardship and people would remain at risk.

We encourage you to read the details of the package in the consultation document and have your say on how Auckland Council should proceed. The funding commitment in this proposed package is significant, so we need to understand Aucklanders' views before we can decide whether to agree to commit to it or not.

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Freepost Authority 190153
Private Bag 92300, Victoria Street West
Auckland, 1142

Your details

Late #5

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Your local board: PAPAKURA

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)

☐ Yes ☒ No Name of organisation/business: _____

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Central government would provide up to \$1.1 billion in new and reprioritised existing funding, with the council contributing up to \$908 million from its sources.

Do you support the council accepting the proposed funding package?

☐ Yes ☒ No ☐ Don't know

2. Do you have any feedback about the proposal outlined in this consultation?

I do not Support the Voluntary buy out of
700 homes.

3. Category 3 properties are not safe to live in because the risk from future flooding or landslips is intolerably high, and no options are available to reduce the risk at an acceptable cost. In purchasing these properties, we will have some decisions to make. This includes how we define category 3 properties, how we set the buy-out price, the size of owner contributions, and what we do about insurance settlements and uninsured and underinsured properties (see discussion on page 6 of the consultation document for more information).

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Properties if bought by the Council, should only be
bought for the Original Cost made by the owner
of the Property. I do not Support the buy out of
underinsured Properties - this is Owners risk.

4. As climate change increases the risk of severe weather events, Auckland Council will not be in a position to continue to buy-out other flood- and slip-affected homes. We are advocating to central government to establish a national scheme to support recovery from future events, and to put in place better processes for managed retreat in advance of disaster.

Would you support Auckland Council advocating for the establishment of national schemes for these purposes?

☐ Support ☐ Do not support ☒ Don't know

From: [REDACTED]
Sent: Monday, 25 September 2023 4:36 pm
To: Storm Recovery Consultation
Subject: Late Feedback

Hi Laura

Please add this email as late feedback to the consultation document.

- 1) We **support** the Auckland Council agreeing to the funding package.
- 2) For the **Category 3 buyout process**, we recommend:
 - a) Auckland Council adopts for Compensation purposes, the **Capital Value** rating method (2021 cycle) as the initial compensation benchmark for all registered Category 3 owners. Council will pay the **net** figure after EQC and Insurance Payments (if any).
 - b) An independent panel be appointed (comprising 8 registered valuers, 4 town planners, 4 quantity surveyors, 4 engineers) to address valuation appeals with any final adjustment made to compensation determined within 3 months.
 - c) Affected Owners are entitled to representation and access to professional support.
 - d) Affected Landowners, leaseholders, occupants and businesses can obtain independent legal, valuation and professional advice when considering formal offers. All reasonable costs will be recovered from Auckland Council as part of the compensation package.
 - e) Category 3 buyout process may also mirror offers made under the Public Works Act 1981 including compulsory acquisition of land.

regards

[REDACTED]

[REDACTED]



[REDACTED]
W: www.publicworksadvisory.co.nz
Level 26, HSBC Tower,
188 Quay Street, Auckland 1010

This communication is confidential and may be legally privileged. If it is not addressed to you please immediately contact us and do not act on, use, disclose, copy, distribute or retain any of it without our authority.

Kia ora [REDACTED]

Thank you for contacting us regarding the buyout process for category 2 and 3 homes.

There is a lot of detail to work through before we can confirm all the details of the buyout process. Some of the details that will inform the timeline, such as the valuation methodology, will be dependent on the decisions our mayor and councillors make in October.

The public consultation is open from 11 to 24 September 2023, and the results from this will then be analysed and form part of the decision-making by our Governing Body in early October. We recognise that property owners want certainty as quickly as possible, and we've signaled that we'd be looking to start individual conversations with confirmed Category 3 property owners at the end of October.

One of our recovery principles is that property owners have a fair and reasonable amount of time to consider any offer made. Property and landowners will be able to seek independent professional advice when they receive a buyout offer from Auckland Council. Given there are several parties involved in a property purchase, such as the property owner's lawyer, bank and insurance company, the time it will take for each property to go from offer to settlement will differ, as is the case for any property purchase process.

We know that the details of how homes will be valued is critical for you. The details of the valuation methodology are being worked on at the moment and you can have your say on this as part of the public consultation, taking place from 11 – 24 September 2023.

This consultation gives all affected property owners an opportunity to provide input into the process used to value Category 3 properties, and we strongly encourage you to take this opportunity to provide feedback so your views can be considered by Governing Body as part of the decision-making process.

You can give your feedback online at [AK Have Your Say](#) or at your local library.

I trust the above information is helpful. We thank you for your patience, please do not hesitate to contact us for any further information.

Ngā mihi,

Laura McIlhone

Recovery Office Coordinator - Tāmaki Makaurau Recovery Office

Together bringing about the immediate, medium, and long-term holistic regeneration and enhancement of Tāmaki Makaurau as a result of the extreme and tragic weather events of 2023.

Te Kaunihera o Tāmaki Makaurau - Auckland Council

Level 5, Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland

[Visit our website to find out more about Recovery for Tāmaki Makaurau](#)

Your details

Late #7

Your name and feedback will be included in public documents. All other personal details will not be made publicly available.

Your local board: upper harbour

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)

☐ Yes ☒ No Name of organisation/business: _____

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Your feedback (all questions are optional)

Late #7

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Central government would provide up to \$1.1 billion in new and reprioritised existing funding, with the council contributing up to \$908 million from its sources.

Do you support the council accepting the proposed funding package?

☒ Yes ☐ No ☐ Don't know

2. Do you have any feedback about the proposal outlined in this consultation?

3. Category 3 properties are not safe to live in because the risk from future flooding or landslips is intolerably high, and no options are available to reduce the risk at an acceptable cost. In purchasing these properties, we will have some decisions to make. This includes how we define category 3 properties, how we set the buy-out price, the size of owner contributions, and what we do about insurance settlements and uninsured and underinsured properties (see discussion on page 6 of the consultation document for more information).

Do you have any feedback on the methodology that Auckland Council should use to purchase Category 3 properties?

Properties damaged by failure of council infrastructure
then put in Category 2 or 3 should be offered a buy out
Council stormwater is not up to current climate rainfall
expectations and repairs are futile.

4. As climate change increases the risk of severe weather events, Auckland Council will not be in a position to continue to buy-out other flood- and slip-affected homes. We are advocating to central government to establish a national scheme to support recovery from future events, and to put in place better processes for managed retreat in advance of disaster.

Would you support Auckland Council advocating for the establishment of national schemes for these purposes?

☒ Support ☐ Do not support ☐ Don't know

From: [REDACTED]
Sent: Saturday, 16 September 2023 4:00 pm
To: Storm Recovery Consultation
Subject: Storm recovery feedback

Hi stormrecoveryconsultation department,

During july and august the flooding still continues invasion my property land, my property land getting serious and more landslip to deep to take landslip distance up to 40 meters start from driveway fence bundary and my property driveway, it make my driveway remain only 1 meters wide there is no car can drive throught this driveway now.

The asphalt road driveway is totally loss its function.

Property address is: [REDACTED]
[REDACTED]

In the future flooding and cyclone, it will become more serious and deep landslip, and the land loss, continuesly landslide will become even more impossible repair land damage. It's that risk to life in live in this land property. Let Auckland Council use consider to purchase my properties. Let it buyout.

Thanks

Regards,
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, 14 September 2023 9:33 am
To: Storm Recovery Consultation
Subject: Springleigh RA webinar 13/09/ questions, requests
Attachments: Stormwater23 Final Springleigh RA.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Recovery Office

Springleigh Residents Association

[REDACTED]

[REDACTED]

Storm Recovery Webinar 13/09/2023

Dear Storm Recovery Office,

Springleigh RA attended the webinar yesterday and submitted a number of questions. We were directed to make separate requests directly to the office. Our questions are added to this e-mail.

We want to highlight the following before we come to our questions:

1. Storm Recovery Office must explain through public consultation process, the services that the Government Ombudsman provides in storm recovery, at.- this late stage in the decision process.
2. Assessment of the social environmental, economic effects of storm events on the Wesley/Owairaka/New Windsor community that experienced severe flooding along Te Auaunga/Oakley Creek must be provided to AC and 'governing body' before proposed October decision to mitigate the faulty consultation process.
3. Assessment of AC and AC Healthy Waters responsibility for the loss of control of the stormwater system in Wesley-O-NW during recent flooding, details were provided in our submission during August 2023 storm recovery consultation. Our submission is attached to this document.
4. Storm recovery ensures a fair and equitable consultation process prior to October 2023 decisions that include the submission of Springleigh RA.
5. Government Ombudsman provides 'agency assistance' to AC in this late stage of the decision process.

[REDACTED]

Our questions at yesterdays webinar:

Springleigh Residents Association

What is the 'risk reduction program'? The 'Funding Auckland's storm recovery and resilience consultation document' does not provide information on a 'risk reduction program' in general and, in particular where it affects the Wesley/Owairaka community.

Does the 'risk reduction program' relate to 'natural hazards' in the feedback form or to stormwater management? Where is the information regarding 'other resilience projects'? Does it relate to 'Making Space for Water'? 'Making space for water' is still in the consultation stage together with TM Recovery Plan and full council has not made a decision or released a policy under LGA at the time of funding consultation.

Springleigh RA

Who is the agency responsible for the 'Funding A's storm recovery and resilience'? Does it have an address of service? They are not stated on the consultation draft or feedback form.

Springleigh RA

What is the legal context for this 'funding consultation'? How is the legal context and appeals process of this consultation explained to the Wesley/Owairaka community?

Springleigh Residents Association

What is the 'governing body'? What is its' address of service, who are its' members etc. We want to make a formal complaint to the governing body regarding AC storm recovery ahead of any decision by the 'governing body'. The Wesley/Owairaka community must be included in decisions of the 'governing body'

Reasons are, but not limited to, outcome of previous 'Making Space for Water' consultation is premediated. AC storm recovery effects on the Wesley/Owairaka community, the consultation process, the legal context and the right to appeal has not been explained as part of this consultation or TMRP consultation, the re-litigation of major central government acts such LGA, RMA91 among many issues, budget process lacks the usual detail etc.

Springleigh RA

Government Ombudsman

We request that the Auckland Council requests 'agency assistance' in storm recovery from the Government Ombudsman, immediately and prior to decisions made by the 'governing body'. It is in the public interest that the Government Ombudsman provides agency assistance to AC. The matter is urgent and AC must file a request immediately.

Reasons for 'agency assistance' by the Ombudsman

The 'funding consultation' states that 'there is no established process' (p3) and 'systems for technical assessments and social support'(p3) are not identified. The Government Ombudsman provides agency assistance on these matters, restores local government proceedings under LGA, addresses s82 LGA, provides information on the legal process and the appeal process.

The Government Ombudsman can at this stage address the discrimination against the migrant community in Wesley/Owairaka. Storm recovery proceedings have generally not included information in community languages with only two exceptions. 'Making space for water' consultation did not include community languages. Recovery website does not include community languages

The Government Ombudsman can meet with the Wesley/Owairaka community and community groups. The Wesley/Owairaka community is faced with a number of pre-mediated decisions, a decision-making process that re-litigates Stormwater NDC, relevant legislation re-litigates previous submissions by Springleigh RA etc.

The Government Ombudsman can establish whether AC Stormwater NDC was active when AC lost control over the Stormwater network in Wesley/Owairaka during recent storm events. It was part of the previous consultation.

The degree of negligence and criminal negligence by AC prior, during and after recent storm events can be established by the Ombudsman. Matters of SMP process must be addressed. This is important to the appeals process. It was part of the previous consultation.

The Government Ombudsman can provide agency assistance in 'Making space for water' consultation and decisions. 'Making Space for Water' in the current consultation is different from the previous consultation. Springleigh RA participated in previous 'Making Space for Water' consultation. 'Making Space for Water' is premediated by this 'funding consultation'. The effects on the Wesley/Owairaka community have not been addressed. Decisions made by full council are not available.

Springleigh RA

How does the funding package affect rates increases and future AC asset sales? This consultation does not follow the normal AC budget process, e.g, the AC annual budget process and consultation. These processes may be pre-mediated by this consultation. The Government Ombudsman must address these matters and restore local government proceedings.

05:44 PM

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05:54 PM

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06:23 PM

Private answer

Hi there - could you please email stormrecoveryconsultation@aucklandcouncil.govt.nz with your comments? This is not something that can be answered online tonight, but someone can come back to you via that email.

06:14 PM

Springleigh RA

What is the legal context for this 'funding consultation'? How is the legal context and appeals process of this consultation explained to the Wesley/Owairaka community?

06:25 PM Dismissed by host

Springleigh RA

06:26 PM Dismissed by host

Springleigh RA

06:28 PM

Springleigh RA What risk reduction measures are included that actually reduce stormwater and flooding? Wesley/Owairaka community experienced severe flooding where people had to swim to save their lives. This community is disadvantaged by storm recovery proceedings.

06:30 PM

Can you explain through public consultation process, the services that the Government Ombudsman can provide to affected communities in relation to storm recovery?

BEFORE THE AUCKLAND COUNCIL

In the matter of various

Unspecified legislation

AND

In the matter of 'Storm recovery and resilience' consultation and proposed Tamaki Makaurau Recover Plan by Auckland Council Healthy Waters

AND

Springleigh Residents Association

[REDACTED]

[REDACTED]

Auckland

Statement of Evidence

Introduction

Springleigh Residents' Association (SRA) members live in the western part of Mt Albert/Owairaka, New Windsor along Te Auaunga/Oakley Creek. Springleigh RA has substantial experience with the *RMA91* process and related stormwater issues. Springleigh RA was a submitter on *SH20 Waterview connection*. We submitted on the *Stormwater Network Discharge Consent* in 2018.

This statement of evidence was prepared by [REDACTED]
[REDACTED]
[REDACTED]

Scope of evidence

Decision sought

Reasons for Seeking this Decision

Stormwater Recovery and Resilience Consultation and TM Recovery Plan Statutory Considerations

Liabilities of Auckland Council for Recent Flooding and Negligence in Stormwater Management

Examples for long-standing neglect of stormwater maintenance:

Past and continuing negligence of Auckland Council – including criminal negligence

Example of flooding due to impervious surfaces in Mt Albert

Cumulative Effects of Resource Consents and SMP Relating to Stormwater Provisions

Examples for the effects of private development on impervious surfaces

‘NINE WAYS TO MAKE SPACE FOR WATER’ deficiencies

Working in partnership and statutory liaison groups

Independent hearings panel for the purpose of consultation and plan proceedings

Independent Hearings Panel and Stormwater NDC

Re-litigation of Stormwater Network Discharge Consent and submissions

IHP ensures effective democratic representation

Matters concerning AUPOIP

A. Decision Sought

The Springleigh Residents Association is seeking the following decision from Auckland Council:

1. Decline the AC Storm Recovery and Resilience consultation.
2. Decline the proposed Tamaki Makaurau Recovery Plan, or
3. Appoint an Independent Hearings Panel for the purpose of consultation and plan proceedings.
4. Conduct an independent inquiry into Auckland Council and AC Healthy Waters leading up to recent flooding.
5. Fully notify flooding evidence by AC.

B. Reasons for Seeking this Decision

The decision is sought for the following reasons (but not limited to):

1. The SRR consultation and TM Recovery Plan focus on re-litigation of Stormwater NDC and proposals for rate increases only.
2. The liabilities of Auckland Council in recent flood events are not addressed in the SRR and TM Recovery plan.
3. AC Healthy Waters does not adequately assess the social effects of flooding, placing this responsibility on the community and individuals.
4. The TM Recovery plan and consultation do not enable people and communities to provide for their social, economic, and cultural well-being, as well as their health and safety, particularly in areas like Wesley where extreme flooding occurred.
5. Low-income communities like Wesley/Mt Roskill are disadvantaged in the recovery process.
6. The TM Recovery plan and consultation do not adequately address the environmental and ecological effects of recent flooding, including damage to reserves, ecologically significant areas, coastal areas, and provisions related to SH 20 Waterview connection (EPA25), among others.
7. The sustainable management of natural and physical resources is not promoted.
8. The proposed Tamaki Makaurau Recovery Plan is contrary to the Local Government Act, AC Stormwater Network Discharge Consent, AUPOIP, among others.
9. The proposed TM Recovery Plan is contrary to Part 2 of the Resource Management Act (RMA).
10. The TM Recovery Plan is contrary to sound resource management practice.

Without limiting the above, it is requested that the consultation and plan proceedings address the concerns of the Springleigh Residents Association.

C. Stormwater Recovery and Resilience Consultation and TM Recovery Plan Statutory Considerations

Springleigh Residents Association is seeking clarification from Auckland Council regarding the statutory nature of the TM Recovery Plan and Stormwater Recovery and Resilience consultation (SRR). The following issues have been identified:

1. The SRR consultation document does not state the legislative context of the TM Recovery Plan, including RMA91 and LGA provisions, Stormwater NDC, among others. The statutory obligations of Auckland Council in the recovery process are not explained.
2. The evidence presented in the SRR consultation document is insufficient, and reports or evidence relating to stormwater are non-existent. The effects of recent flooding are not adequately assessed by AC Healthy Waters.
3. The TM Recovery Plan consultation document is not available in community languages, disadvantaging ethnically diverse communities in Mt Roskill/Wesley/Owairaka that have experienced severe flooding.

4. The SRR consultation is employed for re-litigation of relevant legislation and RMA92 decisions, negatively affecting TeAuaunga/Oakley Creek. The proposed TM Recovery Plan is contrary to the Local Government Act, AC Stormwater Network Discharge Consent, AUPOIP, among others. It is also contrary to Part 2 of the Resource Management Act (RMA) and sound resource management practice.
5. The outcome of the SRR consultation and TM Recovery Plan is premediated, and alternative scenarios to recovery, including social and environmental effects, are not presented.
6. one example of premeditation (but not limited to): Blue-green networks are included in Local Board Plan consultation. LBPlans were notified prior and closed prior to this consultation.
7. The proposed rates increase in the SRR consultation is superficially discussed and seems to cover only the costs of stormwater management for private development. A survey regarding the rates increase is not included, and commercial rates must increase to ensure equity.

The Springleigh Residents Association requests that Auckland Council address these concerns and conduct proper plan proceedings that consider the needs of the Wesley community and other affected communities. It is important to ensure that the recovery process is equitable and sustainable and that the statutory obligations of Auckland Council are met.

D. Liabilities of Auckland Council for Recent Flooding and Negligence in Stormwater Management

Springleigh Residents Association is calling for the SRR consultation and TM Recovery plan to address the past and future liabilities and negligence of Auckland Council (AC) in regards to recent flooding. The following issues have been identified:

1. The liabilities of AC for recent flooding must be identified by the SRR consultation and TM Recovery plan. The Wesley/Mt Roskill/Owairaka communities experienced severe damages to property, business, and the environment.
2. An independent inquiry must establish whether AC fulfilled its roles and responsibilities for flood hazards prior to the SRR consultation and TM Recovery plan adoption. The Stormwater NDC review states that AC has not met several targets due to funding restrictions, including its targets for maintenance and upgrade of its infrastructure assets and its targets for managing flooding.
3. AC was negligent in providing adequate stormwater measures prior to recent flooding in Wesley/Owairaka/Mt Roskill, which was long-standing and notoriously disadvantaged low-income communities. AC was and still is not maintaining stormwater infrastructure in Wesley/Owairaka/St Roskill, and communities are under extreme pressure.
4. The SRR consultation and TM Recovery plan must address the effects of recent flooding on the environment and the social effects on communities, particularly low-income communities like Wesley/Mt Roskill.
5. The proposed rates increase in the SRR consultation is superficially discussed and seems to cover only the costs of stormwater management for private development. A survey regarding the rates increase is not included, and commercial rates must increase to ensure equity.

The Springleigh Residents Association requests that AC address these concerns and conduct proper plan proceedings that consider the needs of the Wesley community and other affected communities. It is important to ensure that the recovery process is equitable and sustainable and that the statutory obligations of AC are met.

E. Examples for long-standing neglect of stormwater maintenance:**Example 1: Culvert behind Tulja Centre carpark on Stoddard Rd**

The grille at the entrance of the culvert behind Tulja Centre (Fig. 1) is currently cleared. However, prior to the recent flooding, it had not been maintained for years. This neglect of the culvert had severe consequences for community organizations like 'Ethnic Hub', as well as residential and commercial properties that were flooded during the recent events. The NZ Women's Ethnic Trust had put years of effort into establishing 'Ethnic Hub' to provide social services and education for migrant families. The impact on the community along Stoddard Rd/Owairaka and the wider migrant community has been devastating.



Fig. 1 Culvert at car park is currently cleared as of August 2023

At the time of recent flooding, it had been neglected for years by AC, debris had accumulated in front of the grille, including car tires etc,

Example 2 long-standing neglect of stormwater maintenance, cumulative effects: tributary behind Tulja Centre

The flooding of the tributary behind the Tulja Centre carpark contributed to flooding in the immediate surroundings, as well as wider flooding in Wesley and Mt Roskill. The tributary is badly maintained (Fig 2), and this neglect had far-reaching effects in Wesley/Mt Roskill and Owairaka. The flooding of the tributary created cumulative effects and affected flood levels of Te Auauanga/Oakley Creek. It directly impacted flood levels in the communities surrounding Walmsley and Underwood Parks, as well as the intersection of Richardson Rd/Stoddard Rd. The combined flood levels of the tributary and Te Auauanga/Oakley Creek created dangerous flood risks. Overall, streams and tributaries are not properly vegetated in Auckland, and Auckland Council is negligent in managing noxious plants obstructing stream flows and destabilizing river banks. River margins are used without permission for private purposes, and enforcement of RMA91 and LGA regulations by Auckland Council does not occur.



Fig. 2 Tributary adjacent to Tulja Centre carpark, location approx. 50m from culvert in Fig. 1

non-complying structure in the form of iron/steel poles blocks tributary, debris has accumulated behind poles,

Noxious plants, e.g., agapanthus, privet, creeper among others block tributary

Example 3 negligent stormwater maintenance, potential for river margin erosion: tributary behind Tulja Centre



Fig. 3 tributary behind Tulja Centre carpark

European willow destabilizes river bank, roots have penetrated the river bank with the potential for river bank erosion

Example 4 long-standing negligence of stormwater maintenance: tributary behind Tulja Centre



Fig. 4 Tributary behind Tulja Centre carpark, overgrown by noxious vegetation blocking the stream, mature vegetation indicates decades of neglect by AC, river margin is used for non-permitted storage, location is approx. 100m from culvert in Fig. 7

Example 5 negligent stormwater maintenance: Stormwater drain inlet Range View Rd, recently installed

Recently installed stormwater management, for example in Range View Rd, is not maintained in Owairaka (August 2023). The Range View Rd Stormwater drain inlet is located in front of the development in Fig.11 for which it was supposed to provide stormwater mitigation during recent flooding.



Fig. 5 recently installed stormwater drain inlet in Range View Rd/Owairaka, rubbish and construction debris block proper functioning,

F. Past and continuing negligence of Auckland Council – including criminal negligence

Stormwater NDC and s42a Report Considerations, Criminal Negligence

Springleigh Residents Association has identified several issues related to stormwater management and resource consent processes by Auckland Council (AC). Here are some key points:

1. The S42a report (p. 141 of hearings agenda) states comprehensive responsibilities for flooding by AC. The hearings agenda for Stormwater NDC identifies that AC is responsible for floods, including for a '1 in 100-year flood event' or 1%AEP. However, the SRR consultation and TM Recovery Plan are misleading on the issue of flooding, and there is no indication that AC has direct responsibility for flooding.
2. The Stormwater NDC s42a report states that AC reduces existing flood risks by improving existing stormwater infrastructure. However, it cannot be established from the SRR consultation whether AC ever made an attempt to reduce flood risks or was maintaining existing stormwater infrastructure at the time of flooding. Both scenarios amount to criminal negligence.
3. AC frequently grants resource consents that allow the area of impervious surface on a property to exceed the provisions of AUPOIP. This results in stormwater not being retained on the property, overwhelming the stormwater system, creating overland flows, damaging private and public property, and having major negative impacts on the environment. AC is negligent in managing noxious plants obstructing stream flows and destabilizing river banks, and river margins are used without permission for private purposes.
4. The negative effect of impervious surfaces is cumulative, where housing intensification of many subdivisions and new housing development seal substantial parts of a suburb, such as in Owairaka and Mt Albert. During recent flooding, the effect of housing intensification without stormwater measures was a major negative environmental effect in Owairaka/Mt Albert.

The Springleigh Residents Association requests that AC address these concerns and take appropriate measures to prevent future flooding and environmental damage. It is important to ensure that AC fulfills its roles and responsibilities for flood hazards and manages stormwater infrastructure properly. Please note that the provided information is based on the search results and may not encompass all relevant details. It is advisable to refer to the official sources and documents for a comprehensive understanding of the situation.

G. Example of flooding due to impervious surfaces in Mt Albert

An immediate neighbour dug a ditch alongside his house during the rain on January 27th to save his house by averting run-off from surrounding subdivided properties. Although his house is not in a flood-prone area, his actions showed the desperation the community went through when Auckland Council (AC) lost control of stormwater management. The neighbour was still traumatized days after the flooding, and his fears were real because his house was flooded during Cyclone Gabrielle. The flooding required the removal of all carpets, furniture, personal belongings, etc., of a family with five children of pre-school and primary school age. Regulatory Negligence Regarding Flood Plains AC has frequently given exemptions to AUPOIP requirements for private development in flood plains. The extent of this neglect by AC has not been assessed but must be provided to inform SRR consultation and TM Recovery Plan. An independent inquiry is requested because the matter is major and affects the entire Auckland Region. Some of our examples below are situated in floodplains of TeAuaunga/Oakley Creek and its tributary (behind Tulja Centre) (Fig. 2-Fig 5). They have been managed negligently by Auckland Council. AC Healthy Waters was aware of the risks in floodplains, and resource consents must have considered floodplain risks. The Stormwater NDC Review, September 2022, outlines (but not limited to):

- *Improving how flooding is managed in the AUP(OP)*

- *In the AUP(OP), floodplain is generally managed by restricting what activities can occur within a floodplain which are set out in AUP(OP) Chapter E36 Natural Hazards. These rules apply to the 1% AEP floodplain.*
- *In applying the AUP(OP) rules, the floodplain map on GeoMaps is indicative only, although council's Regulatory department accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain. Healthy Waters notes that land currently shown as outside of the floodplain may, in the future, be exposed to flood hazard as a result of better information on the impacts of climate change or other factors influencing flooding. (p. 53)*

H. Cumulative Effects of Resource Consents and SMP Relating to Stormwater Provisions

The effect of negligence in the resource consent and SMP process is cumulative as AC routinely grants exemptions. Every application to exempt from stormwater provisions, including those in areas not considered flood-prone, increases the risks of flooding. AC had direct responsibility for flooding during recent storm events by neglecting its responsibility in RMA91 proceedings. Criminal Negligence

AC has given resource consents to remove stormwater requirements without mitigation since the decision on Stormwater Network Discharge Consent. AC knows that stormwater is a major problem since the date of decision. As a result, to continue to grant resource consent applications to remove stormwater requirements from property development is criminal negligence. In addition, AC has processed resource consents with stormwater requirement exemptions since January 27th, 2023. AC knows that it has lost control over stormwater management since this date. AC's actions amount to criminal negligence. Please note that the provided information is based on the search results and may not encompass all relevant details. It is advisable to refer to the official sources and documents for a comprehensive understanding of the situation.

Auckland Council must assess matters of negligence in storm recovery and provide evidence regarding the number of properties in Auckland that have no stormwater on their property or stormwater that does not fully meet the requirements of AUPOIP. Additionally, Auckland Council must provide evidence regarding the number of Resource Consents and SMP granted that requested exemption from stormwater requirements since the decision on Stormwater NDC, including numbers, spatial distribution, duration of consent, and all other relevant information held by Auckland Council. AC must also provide evidence regarding the number of resource consents with stormwater exemptions processed since January 27th, 2023. Furthermore, AC must assess the negative environmental and social effects of granting the exemption of stormwater requirements in resource consent and SMP applications, including cumulative effects and other matters under RMA91. The Tamaki Makaurau Recovery Plan must provide for complaints processes and access to compensation where AC has acted negligently in RMA91 processes. To manage stormwater, Auckland Council maps overland flow paths of rainwater, including stormwater risks, requirements, and responsibilities. Before developing or purchasing a site, it is important to be aware of any flood risks and stormwater requirements for that site. AC, Watercare, Auckland Transport, and the landowner are responsible for their own assets, including pipes, manholes, or drains, depending on where they are. AC owns and maintains public pipes, manholes, catchpits, and other assets that manage stormwater flow, quantity, and quality. Auckland Council tries to minimize flood risks, manage stormwater, and prevent water contamination through improvement projects on the stormwater network and waterways.

I. Examples of the effects of private development on impervious surfaces

Springleigh RA provides a limited number of examples to demonstrate how housing developments add to stormwater problems when exemption from resource consent provisions and SMP occur. Not included are commercial, industrial, public building developments.

Example 1 Common Scenario contributing to recent Flooding

Example 1 in Fig.6, is a very common scenario in all suburbs of Auckland. The section is subdivided. The surface is sealed by a driveway extending to the back fence, impervious surface in front of second dwelling and two dwellings for the purpose of car parking. Parking is given priority over flood risks in the resource consent process. Provisions of *AUOIP* for impervious surfaces are removed with the help of the resource consent process resulting in stormwater run-off into surrounding street and surrounding properties.



Fig. 6 Impervious surface in excess of est. 80% of property size due to subdivision, image is for the purpose of consultation under s82 *LGA* only, location in Owairaka,

Example 2 Common scenario in flood-prone areas

Example 2 in Fig. 7 and Fig. 8 is similar in scope to Example 1. The traditional second dwelling on the property is not visible, but has an impervious front yard. The dwelling with excessive impervious surfaces directly borders Te Auaunga/Oakley Creek, ref. Fig 8.



Fig. 7 Example 2, subdivision with impervious surfaces in Owairaka adjacent to Te Auaunga, image is for the purpose of consultation only



Fig. 8 South facing view of Example 2, in front are Te Auaunga/Oakley Creek, embankment wall with public walkway where recent flooding occurred, image is for the purpose of consultation only

Example 3 private development in flood-prone area

Example 3 in Fig. 9 is a large-scale development in which multiple, connected units seal 80-95% of a substantial section. This type of development is common in all suburbs of Auckland City, where it causes multiple stormwater issues depending on topography, soil type, earthworks among others. Astonishingly, our example is two houses from Te Auaunga/Oakley Creek where recent floodings occurred.



Fig. 9 Subdivision with multiple, connected units and excessive impervious surfaces on 162, Richardson Rd, concreted driveway on other side of development (not visible), location is two houses from Te Auaunga/Oakley Creek, image for the purpose of consultation only

Example 4 high density development in flood-prone area

Example 4 in Fig. 10 is similar to example 3. Six units, impervious driveways, and impervious yards seal surfaces of between 80-95% of a section. Example 4 is located in the vicinity of Underwood Park and in vicinity to housing that experienced flooding. Here, some residents were forced to swim to save their lives as reported several times on public television news programmes.



Fig. 10 Example 4 of impervious section exceeding *AUPOIP* requirements, 15 a-f Parkinson Ave in Wesley in the vicinity of Underwood Park, image is for the purpose of consultation only

Example 5 High Density apartment housing

Example 5 in Fig. 11 shows the interior of a site developed for several story apartment buildings, a common housing development type in Owairaka, among other suburbs, with multiple stormwater issues. The site is sealed in excess of est. 80%. This housing development is situated on the corner of Hendon Ave/Range View Rd in Owairaka, in the vicinity of several similar housing developments in Range View Rd. During recent storm events the stormwater system on Range View Rd was not able to cope with this level of intensification, demonstrating the cumulative effects of housing developments with high degrees of impervious surfaces.



Fig. 11 Multistory housing development in the surrounding of similar housing developments in Owairaka, image is for the purpose of consultation only

J. 'NINE WAYS TO MAKE SPACE FOR WATER' DEFICIENCIES

SRR consultation and TM Recovery Plan considerations

1. Lack of statutory context: The SRR consultation and TM Recovery Plan fail to provide an explanation of the statutory context in which they operate. This omission makes it difficult for stakeholders to understand the legal framework and requirements that should guide the proposed initiatives.
2. Failure to fulfill legal requirements: The SRR consultation and TM Recovery Plan do not meet the requirements outlined in the Resource Management Act 1991 (RMA91), Auckland Unitary Plan Operative in Part (AUPOIP), and Stormwater Network Discharge Consent (NDC) as identified in the NDC review from September 2022. This raises concerns about the adequacy and legality of the proposed initiatives.
3. Inadequate focus on flood recovery: The "nine ways to make space for water" proposed in the consultation and plan do not adequately address the recovery from recent flooding events. The social effects of flooding are not adequately considered, and the proposed initiatives do not provide sufficient support for affected private property owners and communities.
4. Ineffectiveness in reducing floods: The proposed "nine ways" do not demonstrate effectiveness in reducing floods. The initiatives lack comprehensive measures to mitigate flooding risks and do not address the cumulative effects of stormwater management issues.
5. Duplication of consultation: The consultation on the "nine ways" partially duplicates the consultation conducted on the Stormwater NDC. This duplication creates confusion and raises questions about the transparency and effectiveness of the consultation process.
6. Negligence in stormwater management: Auckland Council's negligence in stormwater management is evident in the granting of exemptions to stormwater requirements for private developments in flood-prone areas. This negligence has contributed to the increased risks of flooding and undermines the effectiveness of the proposed initiatives.
7. Need for an independent inquiry: Given the magnitude of the negligence and its impact on the entire Auckland region, an independent inquiry is necessary to assess the extent of negligence in stormwater management and its consequences. This inquiry must provide a comprehensive assessment of the number of properties without adequate stormwater infrastructure, the number of exemptions granted, and the social and environmental effects of these decisions.
8. Complaints processes and compensation: The TM Recovery Plan must include provisions for complaints processes and access to compensation for cases where Auckland Council has acted negligently in RMA91 processes. This would ensure accountability and provide recourse for affected individuals and communities.
9. Storm recovery is pre-mediated by 'Future Development Strategy', 'Local Board Plans' among others.

It is crucial for Auckland Council to address these concerns and ensure that the SRR consultation and TM Recovery Plan align with legal requirements, adequately address flood recovery, and provide transparency and accountability in stormwater management.

Springleigh RA does not accept that Healthy Waters has legal, technical, or financial difficulties in providing stormwater under RMA91 and AUPOIP. AC must provide an AEE under RMA91 for 'Making Space for Water' and stormwater proposals in processes under proposed central government legislation such as the 'Water Services Entities Bill'. It must include a Social Impact Assessment. The 'nine ways to make space for water' proposed in SRR consultation and TM Recovery Plan do not fulfill the requirements of RMA91, AUPOIP, or Stormwater NDC as outlined in NDC review, September 2022. They do not propose recovery from recent flooding, and the social effects of recent flooding are not addressed. The 'nine ways' partially raise issues from NDC Review, Sept 2022, but they are ineffective in reducing floods. The consultation on the 'nine ways' duplicates in parts the consultation conducted on Stormwater NDC, and some of the consultation is irrelevant. The 'nine ways' increase uncertainty among residents and shift responsibility for flooding onto private property

owners and victims of recent flooding. The targets and assets of stormwater management are confused. The Recovery Plan must provide for complaints processes and access to compensation where AC has acted negligently in RMA91 processes. Regarding the 'nine ways to make space for water', Springleigh RA requests assessment and evidence for blue-green networks for consultation and for meetings of AC council. The information on overland flow path is false and not consistent with Stormwater NDC Review, September 2022. AC Healthy Waters puts responsibilities of stormwater management onto private residents, which is contrary to LGA. It is demeaning to give victims of flooding the responsibility of future stormwater management and infrastructure. Council's Geomaps is inaccurate and is accompanied by disclaimers by Auckland Council. Geomaps is not a statutory document, and private owners cannot identify overland flow paths from Geomaps. The responsibility and liability lie with AC Healthy Waters. Stormwater management and maintenance is the responsibility of AC Healthy Waters, and property owners are not responsible for run-off from impervious surfaces from new developments in their catchment. Property owners are not required to provide stormwater management where the public stormwater management in their catchment has been neglected.

The description of overland flow paths as the most important aspect in future stormwater management is inaccurate. According to the Stormwater NDC Review, Sept 2022, overland flow paths form a secondary stormwater network and their role in flood risk is not well articulated in management documents. The Stormwater Code of Practice also does not explicitly address overland flow path management. While the review advocates for the importance of overland flow paths, it does not propose legislative measures as claimed in the SRR consultation. Furthermore, the SRR consultation fails to mention that overland flow paths are not included in the Stormwater Code of Practice. It also does not address the use of public land for private purposes, which is highlighted in the Stormwater NDC Review. This omission creates a misleading portrayal of the proposed stormwater management strategies. The consultation document also suggests that private property owners are responsible for keeping overland flow paths clear, which is contrary to the responsibilities of AC Healthy Waters as outlined in the Local Government Act. It is incorrect to place the burden of future stormwater management and infrastructure on the victims of flooding. Additionally, the statement that property owners' actions impact their neighbours is false and misleading, as property owners are not responsible for run-off from impervious surfaces from new developments in their catchment. To improve the accuracy and clarity of the SRR consultation, the following revisions are suggested:

- Provide a clear explanation of the role of overland flow paths as a secondary stormwater network and their importance in flood risk management, as outlined in the Stormwater NDC Review.
- Clarify that overland flow paths are not explicitly addressed in the Stormwater Code of Practice.
- Include information about the use of public land for private purposes and the potential implications for stormwater management.
- Clearly state the responsibilities of AC Healthy Waters in stormwater management, rather than placing the burden on private property owners.
- Provide accurate information about the impact of property owners' actions on their neighbors, taking into consideration the responsibilities of AC Healthy Waters in managing stormwater runoff from new developments.

By addressing these revisions, the SRR consultation can provide a more accurate and comprehensive understanding of stormwater management and its implications for the community.

K. Working in partnership and statutory liaison groups

Working in partnership must include statutory community liaison groups identical to those established by *SH20 Waterview connection* (EPA25) on Stormwater NDC, all matters of re-litigation through Tamaki Makarau Recovery Plan.

L. Need for an independent inquiry into the responsibility of Auckland Council in recent flood events

The Owairaka/Wesley community can only recover from recent storm events when SRR consultation and TM Recovery Plan assess the effects of flooding as required by RMA91 and AUPOIP. The long-standing negligence of Auckland Council constitutes a major effect that contributed to the recently experienced flooding. Auckland Council severely failed during storm events and in its responsibilities regarding stormwater, on the regulatory level as well as stormwater discharge provisions. SRR consultation and TM Recovery Plan do not provide various checks and balances in their assessment of recent flooding, including the following matters (but not limited to):

- There is a failure to take responsibility for past and future flooding by AC that requires an independent inquiry. Communities in Owairaka/Wesley community to recover from community disruption caused by recent flooding. SRR consultation does not mention, flood, natural hazard, etc.
- Comprehensive causes of the recent flooding and their relief are not considered;
- Alternatives to stream works are not included in SRR consultation;

Independent Inquiry: Stormwater NDC defunct at the time of recent flooding

AC, including individual councilors, mayor, and deputy mayor, are responsible for funding restrictions leading up to the recent flood events. Stormwater NDC was not upheld at the time of recent flooding due to funding cuts. It is the responsibility of AC to give sufficient consideration to Stormwater NDC. Springleigh RA has reasons to believe that the governing body of AC has neglected stormwater issues for years, through the official information requests that we have made in recent years. Records show that councilors are negligent and often skip such meetings, attend after lunch-time when the meeting was scheduled for the morning, among other failures of AC. Healthy Waters Stormwater Network Discharge Consent, 6-Yearly Review, September 2022

Auckland Council's awareness of flood risk, 2.4.1

The review of Stormwater NDC demonstrates that Auckland Council was aware of an increase in flood risk prior to recent flooding. An independent inquiry is necessary to establish the reasons for the recent flooding and to establish whether AC had undertaken steps in response to the Stormwater NDC Review, Sept 2022. Flooding 2.4 of the review states in 2.4.1:

‘These hazards will be exacerbated by more extreme storms, changing rainfall patterns and sea-rise due to climate change. Tāmaki Makaurau’s catchments, coastlines and communities are experiencing the effects of flooding and erosion, both along the coast and inland. Risks will increase to life, property, the environment, infrastructure and the economy. All these climate hazard effects have been acknowledged by Auckland Council joining cities across the world in declaring a Climate Emergency.’(p.47, emphasis added) ‘At the same time, Tāmaki Makaurau is also experiencing unprecedented growth. There is continuing pressure to develop in areas where flooding and other hazards exist. Council organisations, infrastructure providers and private developers are making decisions to invest in developing land and infrastructure that may be significantly impacted by these hazards in the future.’(p.47). The review of NDC, Sept 2022, formulated objectives. Of these objectives, only the last one is subject to SRR consultation and TM Recovery Plan. Only an independent inquiry will ensure proper consultation and plan proceedings. ‘This objective is supported by four outcomes:

- 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 minimize disruption to critical social and physical infrastructure connections across the city
- improved community understanding of, and resilience to, flood hazards’ (p.47) Independent Inquiry:

2.4.2. Estimated exposure to flood hazard in Auckland of NDC review (p.47)

The Review of Stormwater NDC underestimated the exposure to flood hazard prior to recent flooding. The flood hazard along the Te Auaunga/Oakley Creek was far greater than AC Geomaps indicated.

An independent inquiry is necessary. In Wesley/Owairaka, the flood hazard exceeded what the community was able to cope with. Some residents were forced to swim to save their lives. The community had been misled into believing that the stormwater works along Te Auaunga/Oakley Creek in Walmsley and Underwood Parks were there to reduce flood risks by various AC Healthy Waters promotions, continued in the present SRR consultation showing images of Underwood Park. Community concern regarding TeAuaunga/Oakley Creek is long-standing and was not removed by the recent stormwater works in Walmsley and Underwood Parks. Flooding occurs regularly along the 'shared path'. Surrounding neighborhoods are afraid of further flooding. The loss of lives is treated casually by AC. A number of submitters, including Springleigh RA, raised the issue of flooding during Stormwater NDC proceedings. The 'South Harbour Business Association Inc' (but not limited to) summarized in their submission the lack of 1%AEP flood risks and loss of human life in Stormwater NDC. Springleigh RA summarized matters of negligence by AC Healthy Waters such as (but not limited to), RMA91 issues, the effectiveness of SMP was not demonstrated, 'Best practicable option' did not reflect those of SH20 Waterview decision, the danger of 100-year ARI flood flow considerations, mitigation for flooding risks among others in our 'Statement of Evidence II' on Stormwater NDC:

'The Avoidance of Mitigation and Seeking only to Reduce Major Adverse Environmental Effects 'where practicable' is negligent and does not meet RMA91 Requirements

1. *The applicant's approach to not seeing mitigation of adverse environmental effects as a requirement for Stormwater NDC is negligent, as SH20 Waterview established that stormwater effects can be mitigated. The reason for not seeing mitigation as a requirement seems to be because it is an urban environment, not because of difficulties with mitigation.*
2. *The s42A report fails to address the submission made by Springleigh RA and does not propose effective conditions.*
3. *The applicant proposes 'off-setting' instead of mitigation, which is not in line with relevant case law cited by Springleigh RA.*
4. *The applicant does not provide clear and robust guidelines for mitigation, instead relying on SMP templates that will be developed over time on a 'learning by doing' basis.*
5. *Springleigh RA has questioned how the applicant uses the word 'reduce' as a substitute for mitigation, citing relevant case law such as the 2013 decision Royal Forest and Bird Protection Inc v Buller District Council.*
6. *The applicant has a poor record regarding mitigation of stormwater, contributing as a major effect to the recent flooding.*
7. *Stormwater construction in Underwood and Walmsley Parks resulted and still results in excessively long and continuing closures of parks, negatively impacting low-socio-economic communities for years.*
8. *Currently, parts of Underwood Park are used as construction yards, affecting access to walkways and bridges that were conditions of Decision on SH20 Waterview.*
9. *The downstream ecological and historical effects of stormwater development in Underwood and Walmsley Parks are not understood.*
10. *It is questionable whether the applicant ever assessed the stormwater development in Underwood and Walmsley Parks under ss5-8 of RMA91, and whether Local Boards provided*

sufficient information on community/social effects, relevant information regarding the Oakley Creek, downstream effects, and sectors of SH20 Waterview.

11. *Mitigation regarding rivers, wetland, streams, and coastal areas was directed by the Decision on SH20 Waterview connection, which Stormwater NDC is inconsistent with.*
12. *Stormwater NDC is negligent on matters of BOP, which do not serve the purpose of mitigation and do not fulfill RMA91 requirements.*
13. *SMP templates were not effective in stormwater management, contributing as a major effect to the recent flooding. Deficiencies in Stormwater management plan templates and approvals must be investigated and assessed in an independent inquiry.*
14. *Stormwater NDC is inconsistent with the Decision on SH20 Waterview and the conditions on stormwater effects, particularly on mitigation.*
15. *The effects of stormwater must be mitigated as part of infrastructure proposals, as directed by SH20 Waterview.*
16. *Flood recovery is a matter of national significance and must be called-in under RMA91 to enable effective recovery. An independent inquiry into SMP is necessary to establish whether they were properly applied in new developments and whether AC Healthy Waters applied checks to SMP that included the risk of flooding.*
17. **2.3.5 Stormwater management plan template**
18. *A stormwater management plan (SMP) template and preparation guidance were prepared and published at the time that the NDC commenced. Since then, most of the SMPs received by Healthy Waters have been prepared using the SMP template. The quality of SMPs received has improved over time as applicants and their professional teams have become familiar with the template and process. However, there are several common areas where submitted SMPs frequently lack detail and clarity. These include:*
 19. *• identifying what the outcome of stormwater management is to achieve*
 20. *• providing a sufficient level of information acceptable for the NDC around proposed public infrastructure*
 21. *• providing an integrated stormwater management approach across the area of interest*
 22. *• providing sufficient information on how the development will integrate with the natural environment*
 23. *• providing clarity around why what is provided represents the best practicable option (BPO)*
 24. *• providing detail around how the BPO will be implemented*
 25. *• using a toolbox of devices without any direction on which elements in the toolbox should be chosen in which circumstances.*
26.
27. *The SMP template was highlighted through the industry engagement as a key area for improvement in order to improve the overall SMP approval process and to achieve the overarching NDC outcomes. Feedback included:*
 28. *• SMPs are too long, information requested is repetitive*
 29. *• scalability – not clear from template about different levels of detail depending on size/complexity of development*
 30. *• level of detail required is unclear*
 31. *• different template needed for greenfield/brownfields. '(p. 28)*
32. **M. Independent hearings panel for the purpose of consultation and plan proceedings**
33. *Consultation on Storm Recovery and Resilience must be conducted by an independent hearings panel to ensure that all matters of storm recovery and resilience are addressed to fulfill RMA91 requirements. Initial consultation on Stormwater NDC was heard by an independent hearings panel. The proposed changes and impacts of SRR consultation and TM Recovery plan on AUPOIP are major and affect the entire Auckland Region. They exceed the scope of a simple plan change. SRR consultation proposes that entire sections such as 'Open*

Space', even the 'Purpose' are changed solely for the convenience of AC Healthy Waters in its efforts to correct past mistakes in stormwater management. AC Healthy Waters proposal as part of SRR consultation focuses on the provision of stormwater management for the purpose of housing intensification exclusively. An assessment of the natural and physical resources is not included. AC ignores that the Unitary Plan does not propose the slackening of Environmental Standards even in the case where housing intensification occurs. It does not overrule the National Coastal Policy Statement, the Regional Coastal Statement, the National Freshwater Statement, the Hauraki Gulf Marine Park Act, the National Biodiversity Statement among a host of relevant documents and Acts stated in the Unitary Plan. It is questionable whether Auckland Council exercises its function under the Local Government Act or the RMA91. In particular, it is questionable whether the Auckland Council is considering all matters necessary to make a decision under RMA91 regarding SSR consultation and TM Recovery Plan. It is not transparent whether AC including individual councilors, mayor, deputy mayor had access to assessments prior to the decision on 'Draft Interim Recovery Plan'. In addition, an independent inquiry must establish whether SMP under Stormwater NDC were properly applied in new developments and whether AC Healthy Waters applied checks to SMP that included the risk of flooding. Similar to resource consents, SMP were applied in a manner that undermined Stormwater NDC. Buy-outs for new developments are not permitted where SMP did not disclose all evidence. From Stormwater NDC Review, September 2022, SMP templates were not effective in stormwater management, contributing as a major effect to the recent flooding. Deficiencies in Stormwater management plan templates and approvals must be investigated and assessed in an independent inquiry. Furthermore, the proposed changes and impacts of SRR consultation and TM Recovery plan on AUPOIP are major and affect the entire Auckland Region. They exceed the scope of a simple plan change. Unitary Plan considerations in SRR consultation must be heard by an IHP lead by a Judge of the Environment Court.

N. Independent Hearings Panel and Stormwater NDC

- All matters related to Healthy Waters must be heard by an Independent Hearings Panel, as Stormwater Network Discharge Consent was initially heard by one. Changes to Stormwater NDC should not be made by Auckland Council (AC) as they affect a large part of Stormwater NDC proceedings.

Independent Hearings Panel for community consultation and democratic representation
Request:

- An independent hearings panel must be established to ensure consultation, in a process similar to other plan proceedings.
- Statutory community liaison, as in the SH20 Waterview decision (EPA25), must be included.

O. Re-litigation of Stormwater Network Discharge Consent and submissions

- AC is both the relevant consent authority and the consent holder of Stormwater NDC and must ensure that it is complied with. However, AC creates uncertainty and inequity for communities in the worst-hit areas such as Wesley.
- Storm recovery and stormwater diversion and discharge are not identical issues. Stormwater NDC is a consent for the process for managing the diversion and discharge of stormwater. It was required as a discretionary activity under the Auckland Unitary Plan.
- The SRR consultation and proposed TM Recovery Plan relitigate Stormwater Network Discharge Consent in major ways, most notably flooding effects, impacts on property, how stormwater is directed through overland flow paths, effects on stream health from stormwater flow, including stream erosion and water and sediment quality, effects on the coast primarily related to the accumulation of contaminants carried in the stormwater system, and the impact

on the marine ecosystem, impact on Motu Manawa Marine Reserve, and effects on groundwater from stormwater entering and recharging aquifers.

- The SRR consultation, ‘Making Space for Water’ programme, and TM Recovery Plan relitigate the submission on Stormwater NDC of Springleigh RA. The efforts of community groups like Springleigh RA must not be repeated.

P. IHP ensures effective democratic representation

- Democratic representation through Auckland Council and Local Boards does not fulfil the requirement of the Local Government Act (LGA). During the large flood of January 27, 2023, democratic representation ceased, leaving low-income migrant communities in Mt Roskill/Wesley severely disadvantaged and endangering the lives of people living in the vicinity of Te Auaunga/Oakley Creek. Communities in Mt Roskill/Wesley did not have the ability to cope with the failing stormwater system. Access to Wesley Community Centre, a focal point for the community with social services, or schools were inaccessible to residents. Wesley community had to depend on charity hand-outs in the case of catastrophe partially because democratic representation was ineffective.
- The governing body of the AC voted on the first version of ‘Draft Interim Recovery Plan. It is not transparent whether AC had any workshops or meetings prior to the vote. However, the community must assume that the AC is competent in questions of stormwater management and must assume that councillors understand Stormwater NDC and events leading up to recent flooding. This includes the councillor for Mt Roskill Wesley, who we tried to consult with at the annual budget meeting.
- Annual Budget, Long-term Plan, Local Board Plans, and iwi have their own consultation and proceedings that are premediated and changed without proper notification through TM Recovery Plan and SRR consultation. This is contrary to LGA.

Q. Matters concerning AUPOIP

- Unitary Plan considerations in SRR consultation must be heard by an IHP led by a Judge of the Environment Court. The proposed changes and impacts of SRR consultation and TM Recovery plan on AUPOIP are major and affect the entire Auckland Region. They exceed the scope of a simple plan change. SRR consultation proposes that entire sections such as ‘Open Space,’ even the ‘Purpose,’ are changed solely for the convenience of AC Healthy Waters in its efforts to correct past mistakes in stormwater management.
- AC ignores that the Unitary Plan does not propose the slackening of Environmental Standards even in the case where housing intensification occurs. It does not overrule the National Coastal Policy Statement, the Regional Coastal Statement, the National Freshwater Statement, the Hauraki Gulf Marine Park Act, the National Biodiversity Statement, among a host of relevant documents and Acts stated in the Unitary Plan.
- In the case of Rosebank Peninsula (Avondale), AC attempts to empty AUPOIP provisions without resource consents through Future Development Strategy. AC attempts to change the AUPOIP zoning of large parts of Avondale to higher densities affecting stormwater and its receiving environment.
- It is questionable whether Auckland Council exercises its function under the Local Government Act or the RMA91. In particular, it is questionable whether the Auckland Council is considering all matters necessary to make a decision under RMA91 regarding SRR consultation and TM Recovery Plan. It is not transparent whether AC, including individual councilors, mayor, deputy mayor, had access to assessments prior to the decision on ‘Draft Interim Recovery Plan.’
- ☐ Local Board and Councilor Representation
Local Board and councilor representation on matters of stormwater and recent flooding is inadequate. They provide brief anecdotal statements at best, and RMA91 evidence has not been exchanged. This issue was raised during the submission process of Stormwater NDC by

Springleigh RA, but AC has not addressed it as the consent authority or holder of Stormwater NDC. The lack of democratic representation severely affects migrant communities in Mt Roskill/Wesley/Owairaka.

- ☐ Annual Budget and Albert-Eden Local Board Plan Public Consultation 2023
Springleigh RA attended the publicly advertised consultation regarding the annual budget and the Albert-Eden Local Board Plan after the recent storm events. However, the Albert/Eden Local Board had no knowledge of storm events, stormwater, and Three Waters reform, believing that they solely lie with AC. The Mt Roskill councilor responsible for the community in Wesley that experienced extreme and dangerous flooding had difficulty navigating the consultation document. The engagement officer terminated the consultation between the Mt Roskill councilor and Springleigh RA, believing that matters relating to the recent storms and Three Waters exceeded the requirements of publicly advertised consultation, even where they were included in the annual budget consultation document. Springleigh RA lodged a formal complaint against both the Mt Roskill councilor and engagement officer to document the lack of democratic representation by AC.
- ☐ Storm Recovery and Resilience
AC is seeking feedback to help develop the Tāmaki Makaurau Recovery Plan and refine the 'Making Space for Water' initiatives. They want to know how the storms affected you and your community and what you think should be done to help us recover and build resilience.
- ☐ Flood Hazards and Defended Areas
Waikato District Council has a section 42A report on flood hazards and defended areas.
- ☐ Stormwater Master Plan
The Estes Valley Stormwater Master Plan investigates coordinating the use of open spaces, rights of ways, drainage tracts, and easements to recommend environmentally sound solutions.
- ☐ Auckland Council's Stormwater Interventions
Auckland Council is using a range of tools within stormwater management to maintain and improve water quality as required by the NPS-FM. This paper provides more information on how they are using stormwater interventions to meet environmental requirements.
- ☐ Stormwater Network Discharge Consent Process
The Stormwater NDC authorizes existing and future public diversions and discharges that meet the conditions of the consent within existing and future public stormwater networks.

23. August 2018

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- For Springleigh Residents Association