

## E9. Stormwater quality – High contaminant generating car parks and high use roads

### E9.1. Background

These are regional land use rules for managing stormwater runoff quality from impervious areas pursuant to section 9(2) of the Resource Management Act 1991. They apply to the following high contaminant generating activities:

- high contaminant generating car parks; and
- high use roads.

Refer to E8 Stormwater – Discharge and diversion for additional rules applicable to the management of high containment generating activities.

The use of land and discharge of contaminants from an industrial or trade activity area is addressed in E33 Industrial and trade activities and is not controlled under this section.

### E9.2. Objectives [rp]

The objectives are located in E1 Water quality and integrated management.

### E9.3. Policies [rp]

The policies are located in E1 Water quality and integrated management.

### E9.4. Activity table [rp]

Table E9.4.1 Activity table specifies the land use or development activity status to manage the quality of stormwater runoff from impervious areas associated with high contaminant generating car parks or high use roads pursuant to section 9(2) of the Resource Management Act 1991.

**Table E9.4.1 Activity table**

Activity		Activity status
(A1)	Development of new or redevelopment of existing impervious areas for any high contaminant generating car park or high use road where stormwater runoff is directed to an existing authorised stormwater management device or system	P
(A2)	Development of a new or redevelopment of an existing high contaminant generating car park up to 1,000m <sup>2</sup>	P
(A3)	Development of a new or redevelopment of an existing high use road up to 1,000m <sup>2</sup>	P
(A4)	Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m <sup>2</sup> and up to 5,000m <sup>2</sup>	P
(A5)	Development of a new or redevelopment of an existing high use road greater than 1,000m <sup>2</sup> and up to 5,000m <sup>2</sup>	P
(A6)	Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m <sup>2</sup>	C

(A7)	Development of a new or redevelopment of an existing high use road greater than 5,000m <sup>2</sup>	C
(A8)	Development of a new, or redevelopment of an existing high contaminant generating car park that does not comply with the relevant permitted or controlled activity standards	RD
(A9)	Development of a new or redevelopment of an existing, high use road that does not comply with the relevant permitted or controlled activity standards	RD

### E9.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E9.4.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E9.4.1 Activity table and which is not listed in E9.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E9.6. Standards

#### E9.6.1. Permitted activity standards

All activities listed as permitted in Table E9.4.1 Activity table must comply with Standard E9.6.1.1 and the specified permitted activity standards for the activity.

##### E9.6.1.1. General

- (1) Any required stormwater management device or system is built generally in accordance with design specifications and is fully operational within three months of commencement of the high contaminant generating car park or high use road.
- (2) 'As built' plans for any required stormwater management device or system are provided to the Council within three months of the practical completion of the works.
- (3) Any required stormwater management device or system is operated and maintained in accordance with best practice for the device or system.

**E9.6.1.2. Development of new or redevelopment of existing impervious areas for any high contaminant generating car park or high use road where stormwater runoff is directed to an existing authorised stormwater management device or system**

- (1) This activity does not need to comply with the Standard E9.6.1.1 above.
- (2) Prior to the commencement of the activity, provide confirmation to the Council that the authorised stormwater management device(s) meets the following:
  - (a) the device is designed and authorised to accommodate and treat stormwater from the high contaminant generating car park or high use road; or
  - (b) the required treatment as set out in Standard E9.6.1.3(2) below will be achieved for the management of stormwater contaminants from the proposed high contaminant generating car park or high use road.

**E9.6.1.3. Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>**

- (1) The development of a new or redevelopment of an existing high contaminant generating car park must not be located in an industrial or trade activity area.
- (2) Stormwater management device(s) must meet the following standards:
  - (a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or
  - (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003).
- (3) Stormwater runoff from the impervious area used for the high contaminant generating car park is treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.
- (4) Where the car park is more than 50 per cent of the total impervious area of the site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

**E9.6.1.4. Development of a new or redevelopment of an existing high use road greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>**

- (1) Stormwater runoff from a new high use road, and any additional area of road discharging to the same drainage network point(s), must be treated by a Stormwater Management Device meeting the following:
  - (a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or
  - (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003).
- (2) The stormwater management device must be certified by a Council-approved chartered professional engineer as meeting Standard E9.6.1.4(1) above.
- (3) An operations and maintenance plan must be established and followed to ensure compliance with all permitted activity standards. The operations and maintenance plan must be provided to the Council within three months of practical completion of works.

**E9.6.2. Controlled activity**

All controlled activities in Table E9.4.1 Activity table must comply with the following activity specific standards.

**E9.6.2.1. Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m<sup>2</sup>**

- (1) The development of a new or redevelopment of an existing high contaminant generating car park must not be located in an industrial and trade activity area.
- (2) Stormwater runoff from an impervious area used for a high contaminant generating car park must be treated by stormwater management device(s).
- (3) Where a high contaminant generating car park is more than 50 per cent of the total impervious area of a site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s).
- (4) The stormwater management device(s) must meet the following:

- (a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or
- (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003).

**E9.6.2.2. Development of a new or redevelopment of an existing high use road greater than 5,000m<sup>2</sup>**

- (1) Stormwater runoff from the impervious area is treated by stormwater management device(s).
- (2) Stormwater management device(s) must meet the following:
  - (a) the device or system must be sized and designed in accordance with Auckland Councils Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or
  - (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003).

**E9.7. Assessment – controlled activities**

**E9.7.1. Matters of control**

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) for development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m<sup>2</sup>:
  - (a) the effectiveness of the stormwater management device(s) in meeting Standard E9.6.2.1(4);
  - (b) the potential for adverse effects from the discharge of contaminants on the receiving environment;
  - (c) the proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness in meeting Standard E9.6.2.1(4);
  - (d) the proposed methods for monitoring and reporting on the effectiveness of the treatment process; and

- (e) the duration of the consent and the timing and nature of reviews of consent conditions.
- (2) for the development of a new or redevelopment of an existing high use road greater than 5,000m<sup>2</sup>:
- (a) the effectiveness of the stormwater management device(s) in meeting Standard E9.6.2.2(2);
  - (b) the potential for adverse effects from the discharge of contaminants on the receiving environment;
  - (c) the proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness in meeting Standard E9.6.2.2(2);
  - (d) the proposed methods for monitoring and reporting on the effectiveness of the treatment process;
  - (e) the duration of the consent and the timing and nature of reviews of consent conditions; and
  - (f) the treatment of stormwater runoff from existing high use road impervious areas discharging to the same network.

#### **E9.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) for development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m<sup>2</sup>:
  - (a) the extent to which the proposed stormwater management device minimises adverse effects on the environment having regard to the nature and sensitivity of the receiving environment;
  - (b) whether the stormwater management device is appropriately designed, sized and operated for the site and contaminants of concern;
  - (c) whether the stormwater management device is durable and will achieve the performance requirements in the long term; and
  - (d) the extent to which operation and maintenance plans have been provided to manage the stormwater management device(s).
- (2) for the development of a new, or redevelopment of an existing high use road greater than 5,000m<sup>2</sup>:

- (a) the extent to which the proposed stormwater management device minimises adverse effects on the environment having regard to the nature and sensitivity of the receiving environment;
- (b) whether the stormwater management device is appropriately designed, sized and operated for the site and contaminants of concern;
- (c) whether the stormwater quality device is durable and will achieve the performance requirements in the long term;
- (d) the extent to which operation and maintenance plans have been provided to manage the stormwater management device(s);
- (e) whether it is practical to treat existing high use road areas discharging to the same drainage network point and being treated by the same treatment device having regard to all of the following:
  - (i) site and operational constraints;
  - (ii) requirements to provide for other utility services;
  - (iii) the function of roads as overland flow paths conveying stormwater runoff from surrounding land uses which the road controlling authority has limited ability to control;
  - (iv) safety and operational constraints of the road or discharges; and
  - (v) topographical limitations and geotechnical and structural requirements; and
- (f) the extent to which there is a requirement in the Plan to reconstruct the existing drainage network.

## **E9.8. Assessment – restricted discretionary activities**

### **E9.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) for all restricted discretionary activities:
  - (a) the provision of and effectiveness of stormwater management device(s);
  - (b) the potential for adverse effects from the discharge of contaminants on the receiving environment;
  - (c) the proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness;

- (d) the proposed provisions for monitoring and reporting on the effectiveness of the treatment process, including monitoring and reporting on a network wide basis;
- (e) the duration of the consent and the timing and nature of reviews of consent conditions; and
- (f) any potential adverse effects on Mana Whenua arising from potential discharge of contaminants.

#### **E9.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) for all restricted discretionary activities:
  - (a) whether the stormwater management device(s) proposed is the best practicable alternative and potential adverse effects (including cumulative effects) are appropriately minimised or mitigated, taking into consideration all of the following:
    - (i) the nature of the contaminants and associated discharge to the receiving environment;
    - (ii) the sensitivity of the receiving environment, including coastal waters, and its susceptibility to the adverse effects of the contaminants;
    - (iii) the extent to which stormwater contaminants from the site contribute to incremental and cumulative adverse effects on receiving environments including adverse effects on biodiversity, community and Mana Whenua uses and values;
  - (iv) whether it is practicable to reduce existing adverse effects including site and operational constraints; and
  - (v) whether stormwater contaminants are managed entirely onsite or whether there is an authorised stormwater management device or system in the catchment that is designed and sized to accommodate the stormwater runoff and contaminant loads and achieve appropriate mitigation.

#### **E9.9. Special information requirements**

There are no special information requirements in this section.