

Submission regarding  
Proposed Plan Change 78  
Auckland Council

Submitted by  
Claire Teirney  
March 2023

# Submission on PC 78 - Intensification

The specific provisions that my submission relates to;

## **- The overall plan change PC 78 as a whole – I oppose.**

Auckland Council already has a unitary plan that was designed with full consultation. There are future urban zoned areas within this unitary plan that could be brought forward in development timing with the assistance of govt funding. PC78 Intensification will just result in unplanned development for which infrastructure and services will not be able to support – both from Govt (education, health, policing etc) and Council (public transport, wastewater, water etc).

However, given that govt is not listening to opposition to PC 78 as a whole I have the following submission relating to Qualifying Matters

## **Qualifying Matters Overall**

I support the identification of Qualifying Matters as identified in the documents and I would like to make the specific proposals as noted;

## **- Qualifying Matters Wastewater & Water Servicing Constraints.**

I wholeheartedly support the use of Qualifying Matters for the significant infrastructure constraints as shown in Section 32 and Section 77J and 77L. I support the areas identified by the maps in this document showing the areas where these qualifying matters apply – especially with regard to Hibiscus Coast, however the areas of exclusion need to be increased and the following pages show the need for this. The following pages show the local issues we have had with raw sewage overflows into parks next to schools and directly into local streams and beaches due to these constraints. There should be no intensification within these areas due to stormwater run off on local beaches.

## **- Qualifying Matters:**

Special Character Areas – I support Special Characters areas as a qualifying matter. However I oppose the reduction of Special Character Areas. I would like to see the areas that have been removed reinstated.

**- Qualifying Matters** - there should be another Qualifying Matter identified and addressed regarding the Hauraki Gulf Marine Park Act 2000- see next page.

# Submission on PC 78 - Intensification

## Qualifying Matters:

Under the matters of national importance and Hauraki Gulf Marine Park I propose that sediment and stormwater runoff impact on the Hauraki Gulf Marine Park be listed as Qualifying Matters.

I can't understand why the impact of increased sediment and stormwater run off is not identified as a danger to the Marine Park and that intensification is not allowed due to this. **I propose that this is added as Qualifying matter – IE it is amended to include this as a QM. My reasoning is below.....**

It is plainly stated in the Hauraki Gulf Marine Park Act 2000 that;

## **Part 1, Management of Hauraki Gulf**

### **Section 7 Recognition of national significance of Hauraki Gulf**

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands **are matters of national significance.**
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—  
(c) to **maintain the** soil, air, **water, and ecosystems of the Gulf.**

### **Section 8 Management of Hauraki Gulf**

- To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—
  - (a) **the protection and**, where appropriate, the enhancement **of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:**
  - (b) **the protection and**, where appropriate, the enhancement **of the natural**, historic, and physical **resources of the Hauraki Gulf**, its islands, and catchments:
  - (c) **the protection and**, where appropriate, the enhancement **of those natural**, historic, and **physical resources (including kaimoana)** of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
  - (d) **the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural**, historic, and physical resources:
  - (e) **the maintenance and**, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments **to the social and economic well-being of the people and communities of the Hauraki Gulf** and New Zealand:
  - (f) **the maintenance and**, where appropriate, the enhancement **of the natural**, historic, and physical **resources of the Hauraki Gulf**, its islands, and catchments, **which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf** and New Zealand.

## Qualifying Matters – Hauraki Gulf Marine Park – Storm water and sediment runoff

- In Section 9 (Relationship of the Act with Resource Management Act 1991) of the Hauraki Gulf Marine Park Act it states that “A territorial authority (Auckland Council) must ensure that any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with [sections 7](#) and [8](#).”
- So how is the effect of increased stormwater run off and sediment into the Hauraki Gulf Marine Park seas and foreshore not a qualifying matter?

Section 7 plainly states -

(c) to **maintain the** soil, air, **water, and ecosystems of the Gulf.**

And Section 8 goes on to detail;

**“the protection and**, where appropriate, the enhancement **of the natural**, historic, and physical **resources of the Hauraki Gulf**, its islands, and catchments.” As well as **“the maintenance** and, where appropriate, the enhancement **of the natural**, historic, and physical **resources of the Hauraki Gulf**, its islands, and catchments, **which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf** and New Zealand.”

Increasing stormwater run off and sediment run off into the Hauraki Gulf Marine Park seas, beaches, rockpools and sea bed via increasing housing intensification and therefore increasing hard surfaces rather than having the current permeable surfaces will NEGATIVELY impact on the Hauraki Gulf Marine Park.

More stormwater/sediment run off will damage water quality, damage the eco systems of sea bed and foreshore marine life and cause more beaches to be closed to recreational swimming more often. So the proposed Housing intensification SHOULD NOT be able to go ahead in any areas that have stormwater/street run off going into the Hauraki Gulf Marine Park – this applies to most of the Coastal areas of North Eastern Auckland.



# Council really has no idea what the water quality is actually like post rain after stormwater runoff.



These are the marine water quality testing sites that after questioning in 2021 I was told are still the sites in operation. There are only two on the eastern coast from Devonport all the way to Orewa.

## **Council has no idea of the impact on Beach/marine water quality from rain events and sediment run off**

- After a 2016 review, Council's Safeswim Beach water quality risk programme changed. Instead of having weekly water testing of water quality on Auckland beaches they moved to a 'modelled and forecasted' approach. This is where, based on rainfall levels they 'predict' the water quality for beaches.
- In response to my questions Healthy waters have stated that for the 2020/2021 season "on average, the MAJORITY of sites are sampled on a fortnightly basis through the summer season" **So not all of the sites are even being tested fortnightly and not all the time, just on average.** They refused my request for details on the reporting for each beach with dates of reporting for the 2020/2021 summer season.
- They do **no water sampling for 13 sites/beaches with very poor / permanent no swim warnings** in place which are not monitored as there is a known high public health risk. So how do they know if they are getting worse?
- They do **no water sampling for 6 sites/beaches deemed GREEN due to evidence of consistently good water quality.** So how do they know they are staying green during rainfall events? Note - this includes Devonport beach

# Council doesn't know the current impact of runoff/storm water

As part of councils own presentation at the 2018 Stormwater conference regarding Safeswim's programme changes to modelling and prediction they stated that the limitations with the previous Weekly Water quality testing regime was that:

“....the programme had consistently underestimated the frequency of contamination events, creating a ‘false sense of security’ amongst Auckland’s beach users. For example, monitoring at Red Beach, on the Whangaparaoa Peninsula, identified 1 guideline exceedance from 330 samples collected over 22 years. This contrasts with a recent targeted sampling programme, which identified 4 guideline exceedances in a single day following a 6mm rain event in November 2017.”

But instead of actually actively putting in place a testing regime around rainfall events to measure the impact of run off on water quality they have simply moved to ‘predictions’ and increased the time between testing to two weekly, ‘on average’, for the ‘majority’ of the sites.

So Council's actual visibility regarding the impact of sediment and stormwater on beach and marine water quality is murkier than Stanmore Bay post a tropical down pour.

# Impact of run off on marine life

Dr Riley Elliot commenting on tracking of Great White sharks and the probable reason behind one shark's journey.....

“Another, the now-famous Daisy, disappeared for a month, evading tracking when she swam into deeper waters.

Elliot said he believed their movements reflected changing locations of their food sources and the suitability of areas for hunting.

“These sharks are a lot smarter than we give them credit for. Great white sharks are visual predators - they prefer to be in water where they can see their prey [food].

“I feel, after the flooding on January 27 and [Cyclone] Gabrielle, floodwaters pushed normal fish life offshore or further north,” Elliott said.

“They [the sharks] escaped the murky [flood] water. The point is: They have to feed, and if they can't find food they're going to go elsewhere to survive.”

NZ Herald 14/3/23



## Mananui

Jan 16: Tagged in Bowentown Harbour.

*Named by Te Whānau a Tauwhao*

# Plan 78 needs to change

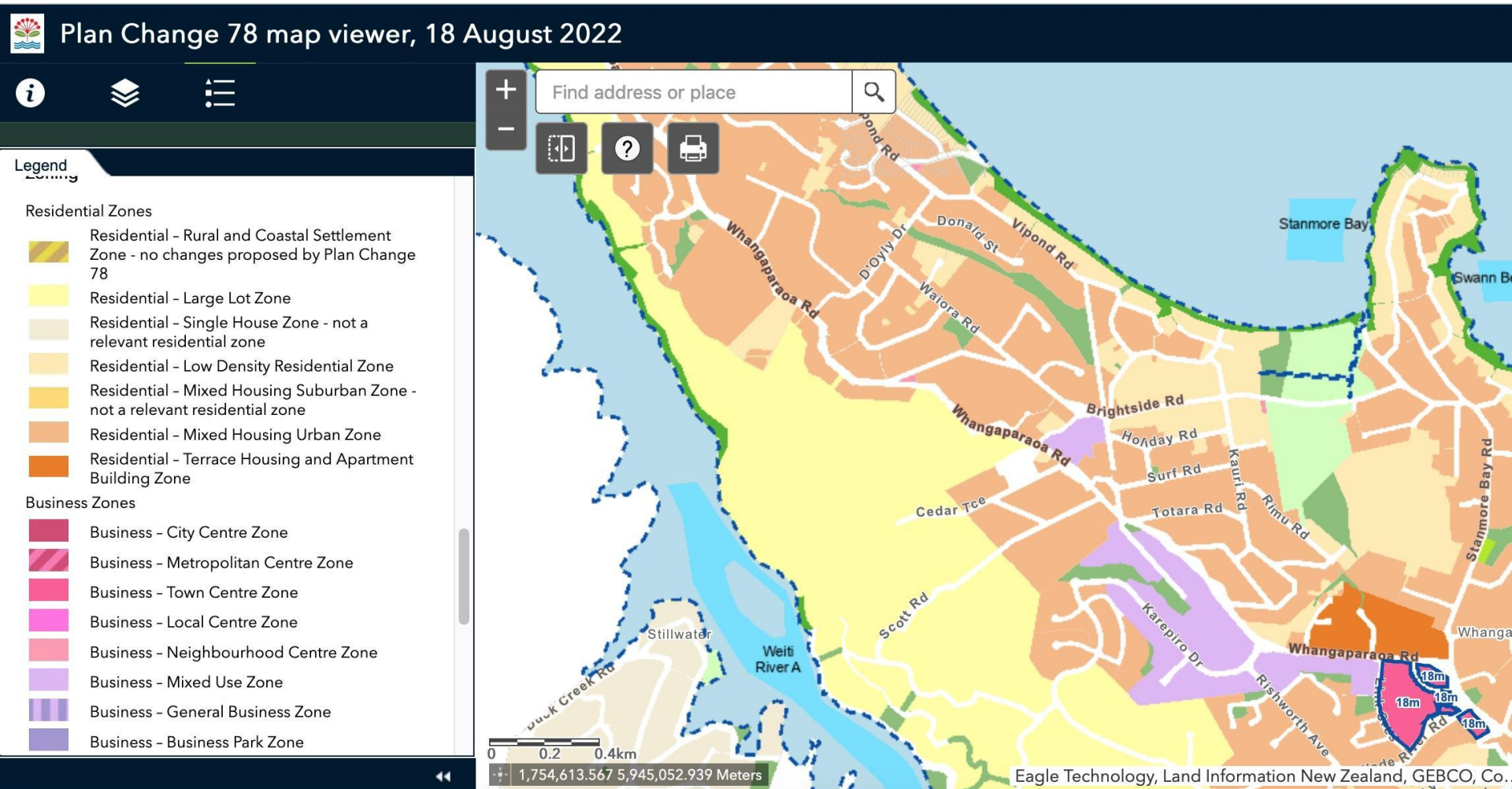
- In implementing the government directed planning changes **two key things have been omitted from identifying areas that SHOULD NOT allow any more intensive development.**
- **FIRSTLY;** The ridgelines that surround the identified flood prone/flood plain areas.
- There is no point in only ring fencing the flood prone/plain areas from intensive development. That won't stop the run off from increasing.
- Allowing more development on the higher ground that surrounds these flood prone/plain areas is simply allowing more run off to inundate these flood prone/plain areas. This will make council and government responsible for damage to these properties for allowing the situation to happen.
- Plan 78 needs to change and take into account ridgelines/higher ground run off and ring fence feeder areas onto flood areas as not suitable for more development.

# Plan 78 needs to change

- In implementing the government directed planning changes **two key things have been omitted from identifying areas that SHOULD NOT allow any more intensive development.**
- **SECONDLY;** What analysis has been done on the excess water runoff that Plan 78 will create and the risk to council?
  - While there are flood plain/flood prone areas identified from past flooding issues what will more intensive development do to non indentified areas? Basically, will this plan change CREATE new flood prone/flood plain areas?
  - What will more intensive development and water run off do in areas that are hilly with regard to slips? Only coastal erosion has been factored in.
- In the rush to implement Government direction it has created greater risk to Council over responsibility for damage to existing and future properties from this plan change. Is Government going to provide guarantees to council in the implementation of government direction with regards to property owners taking council to court over damage or loss to property through the implementation of this directive?

# How the proposed zoning is wrong

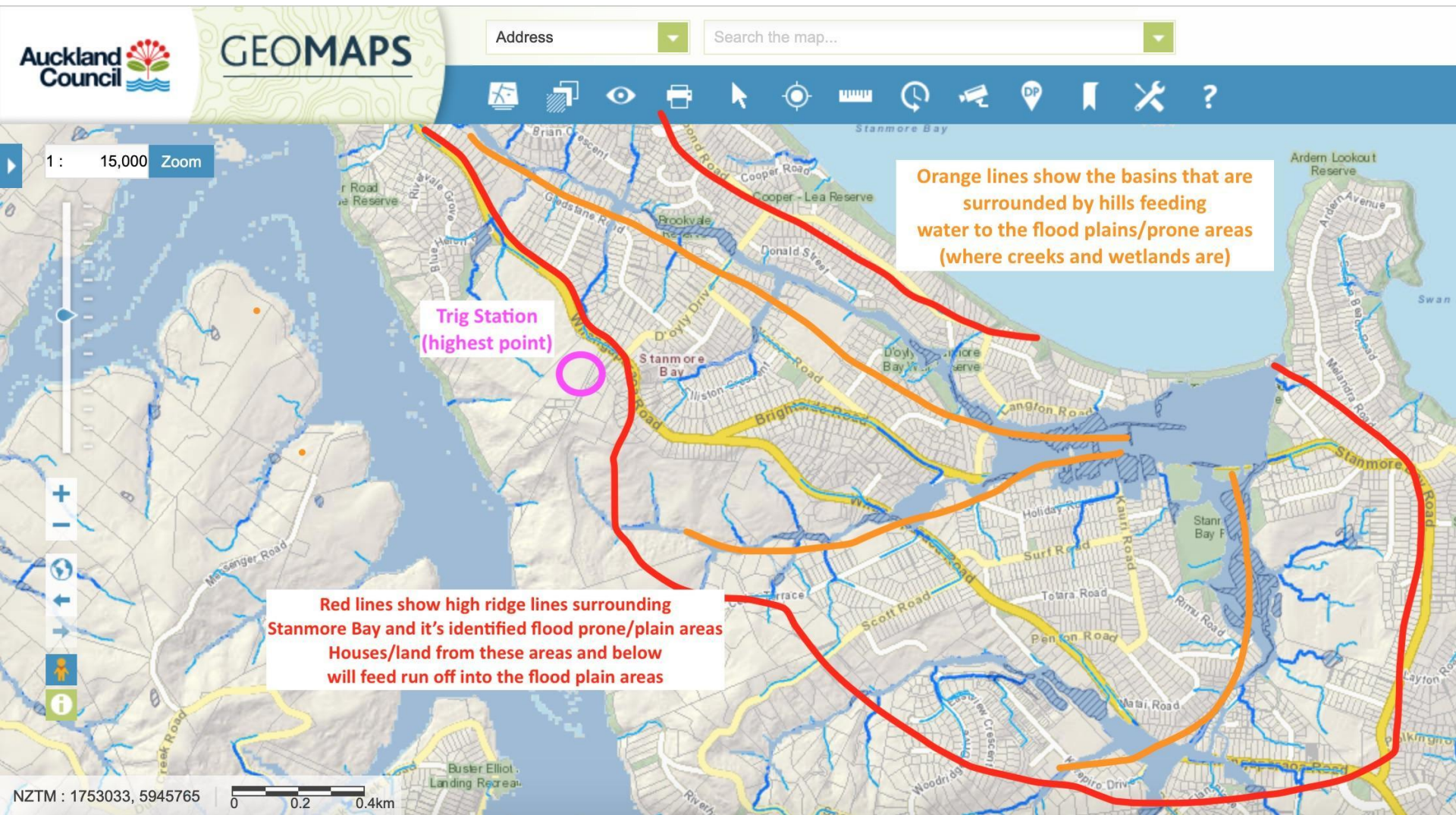
- This is the planned future zoning for Stanmore Bay – apart from areas identified as flood prone/flood plains all other previously zoned single home residential zoning is identified as moving to RESIDENTIAL MIXED HOUSING URBAN ZONE. This means all these sites will be able to go to 3 houses up to 3 stories high as of right.





# How the proposed zoning is wrong

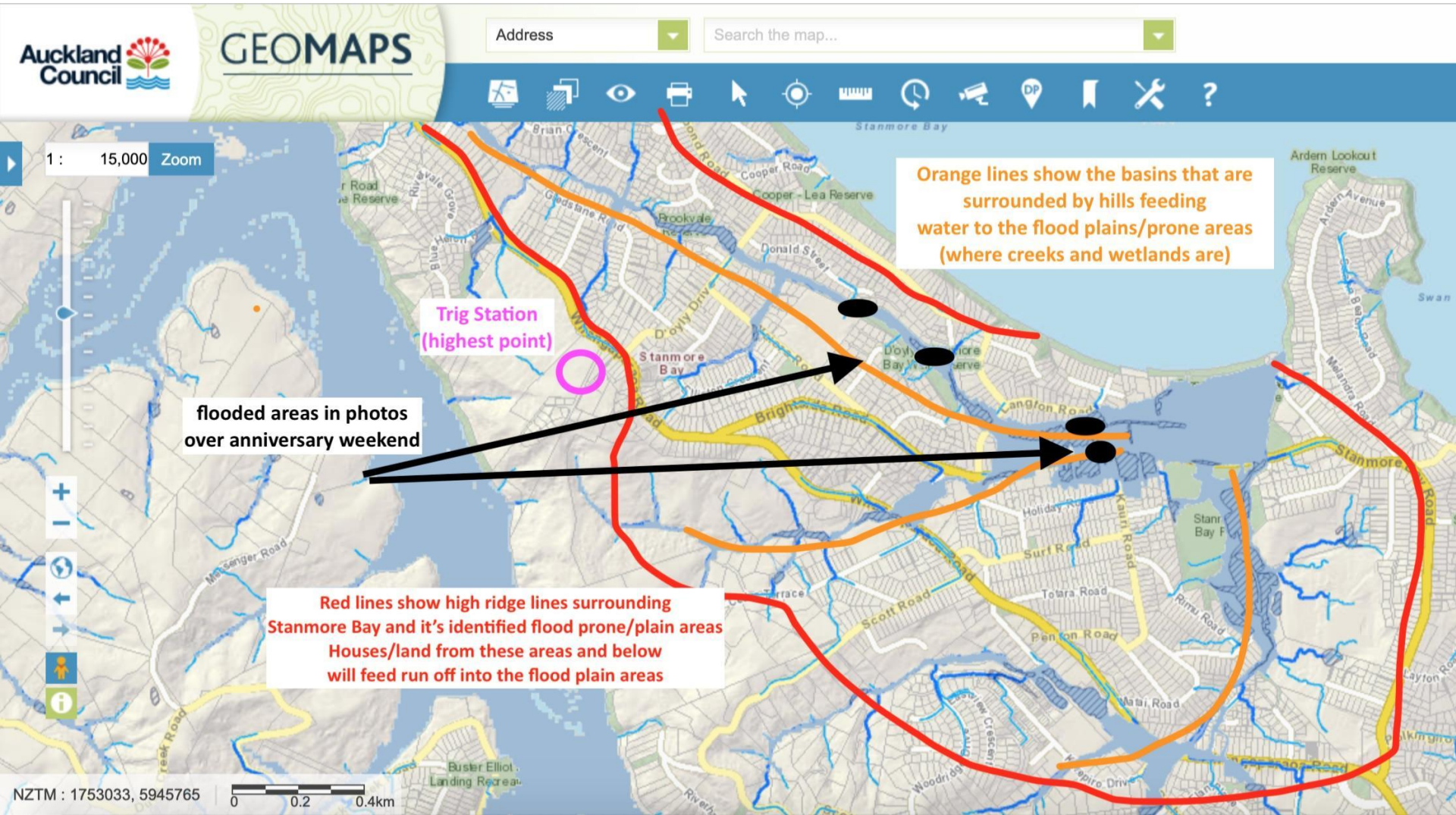
- The areas in blue show the areas identified by council as being flood prone or flood plains. However there is nothing noted about the ridge lines and feeder land of run off to these areas. I have highlighted this below in red and also where the basins/creeks are that are fed run off by these higher ground properties.





# How the proposed zoning is wrong

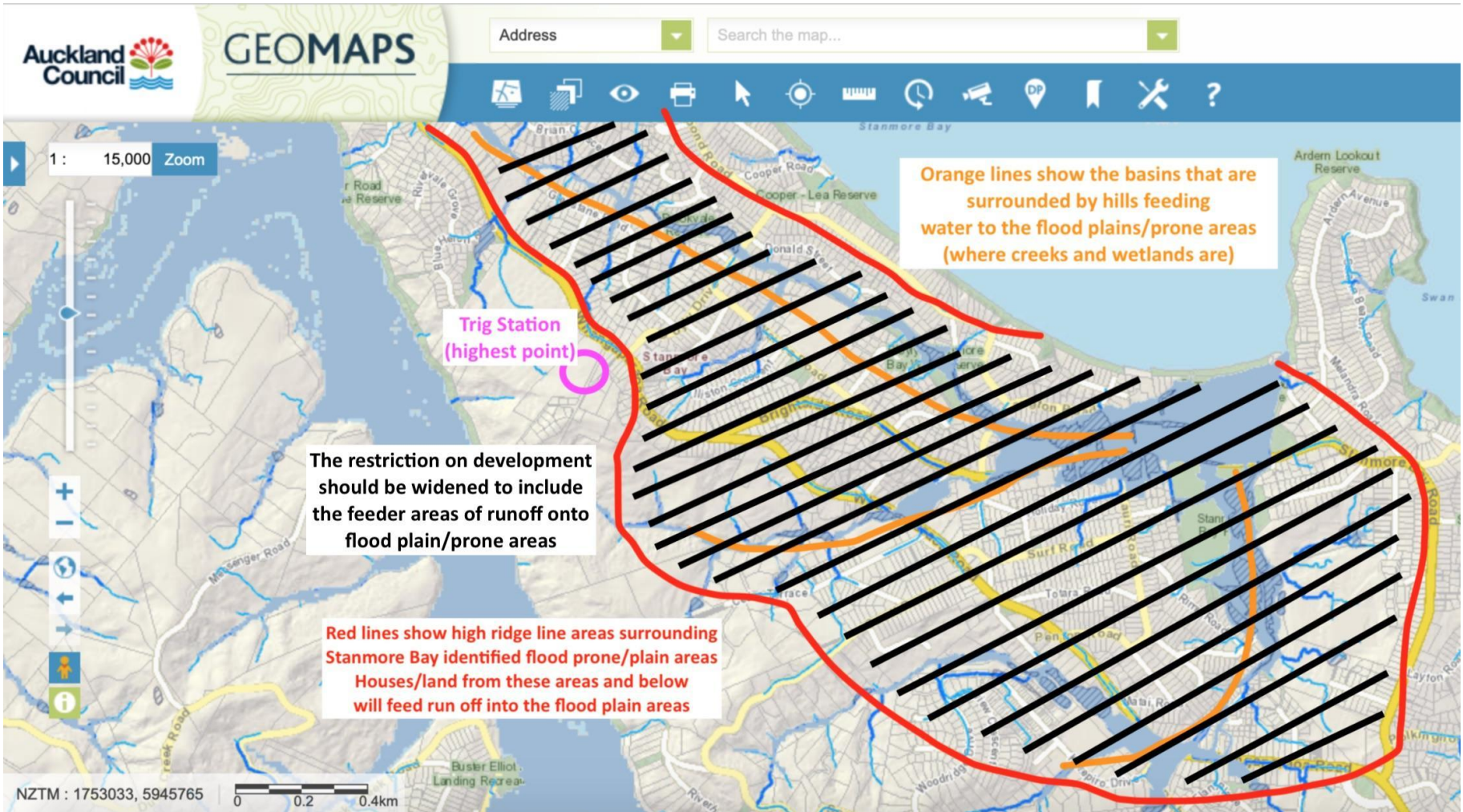
- The areas in black identify areas where severe flooding was experienced over Anniversary weekend – photos of this flooding are on the following pages.





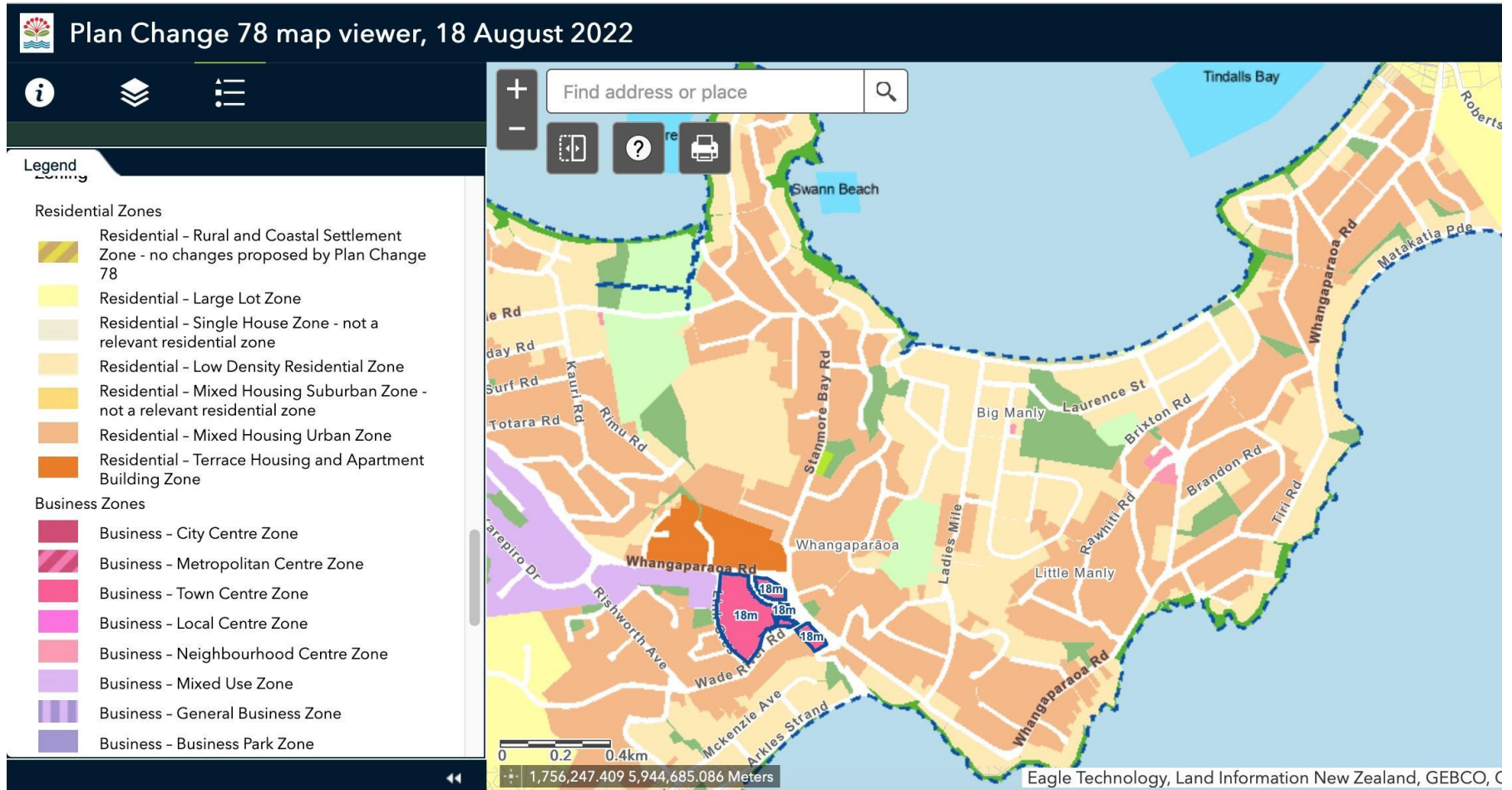
# Examples of how the planned zoning is wrong

- The planned zoning shouldn't just be looking at excluding flood plains/prone areas but extending to the areas around them that feed the runoff/water onto these areas. In the example for Stanmore Bay the excluded area due to flooding/run off should look like the below. Everything in this black striped area should be restricted to single residential home zoning.



# Examples of how the planned zoning is wrong

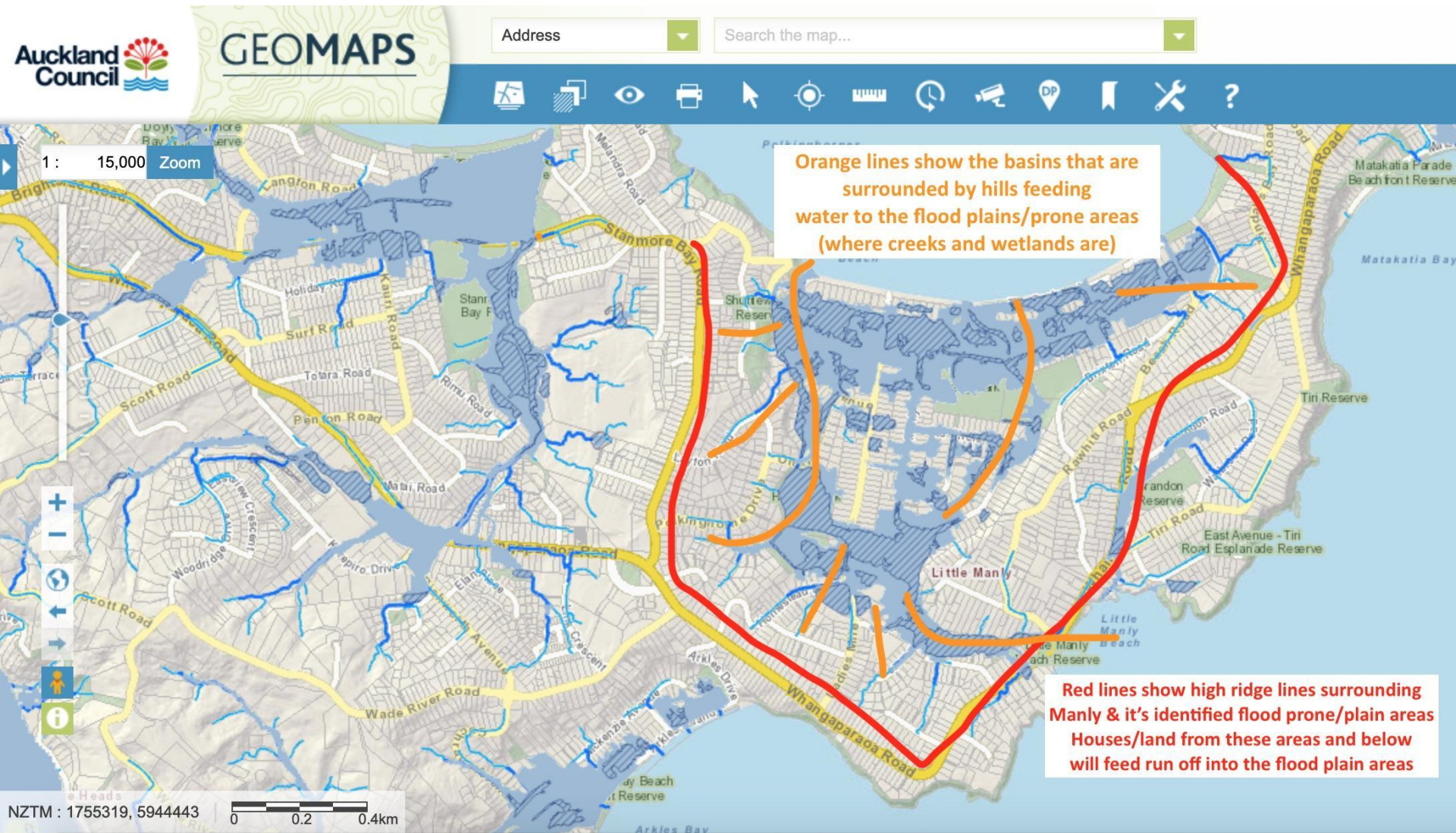
- This is the planned future zoning for Manly – apart from areas identified as flood prone/flood plains all other previously zoned single home residential zoning is identified as moving to RESIDENTIAL MIXED HOUSING URBAN ZONE. This means all these sites will be able to go to 3 houses up to 3 stories high as of right. All of these areas that will move to this zoning are in the higher ground surrounding the flood prone/flood plain areas.





# Examples of how the planned zoning is wrong

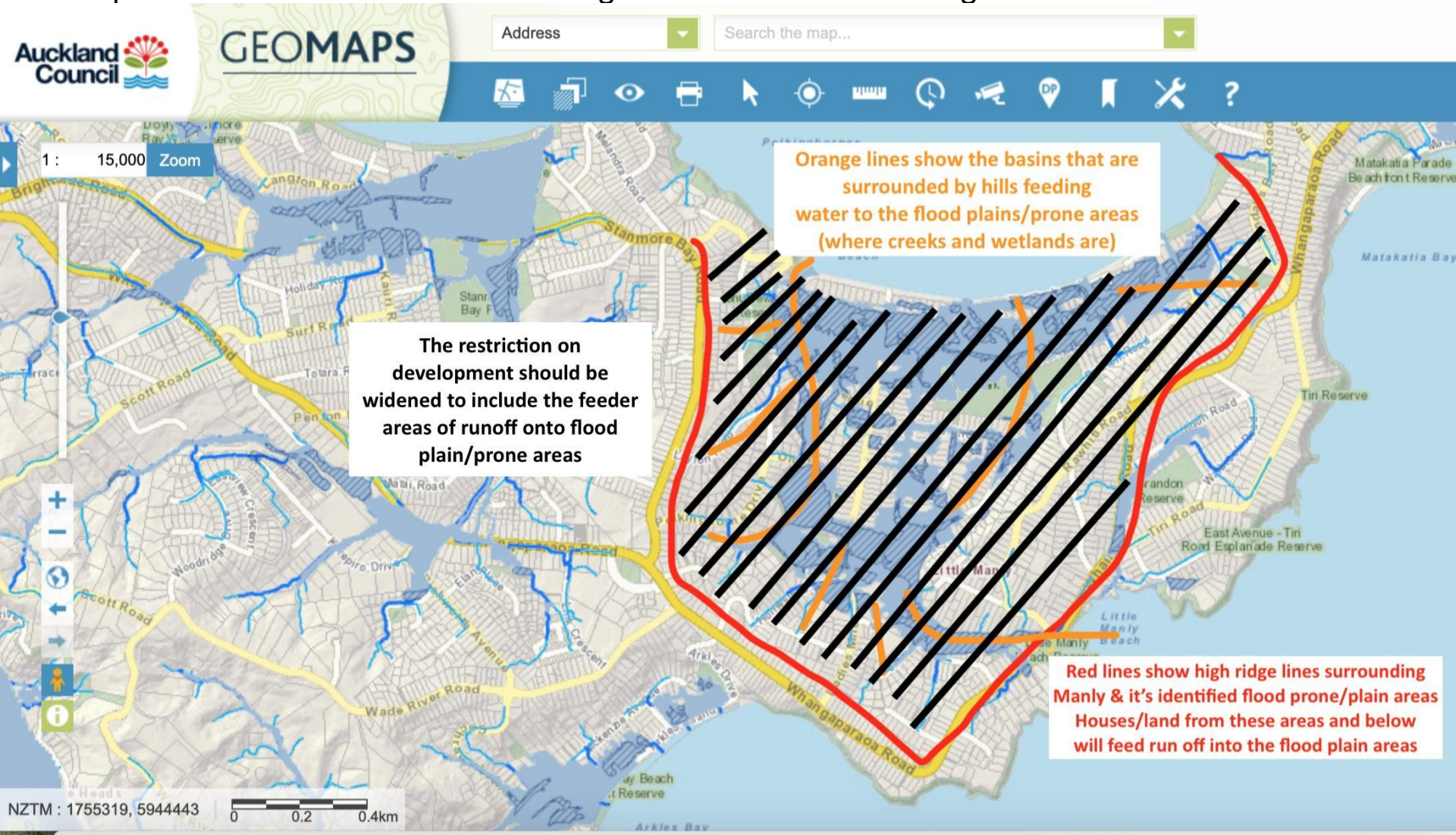
- The areas in blue show the areas identified in Manly by council as being flood prone or flood plains. However there is nothing noted about the ridge lines and feeder land of run off to these areas. I have highlighted this below in red and also where the basins/creeks are that are fed run off by these higher ground properties.





# Examples of how the current zoning is wrong

- The planned zoning shouldn't just be looking at excluding flood plains/prone areas but extending to the areas around them that feed the runoff/water onto these areas. In the example for Manly the excluded area due to flooding/run off should look like the below. Everything in this black striped area should be restricted to single residential home zoning.



- These are just two examples. All over Auckland there will be similar areas that will be facing the same risk.
- Auckland Council needs to push back to Government on this ASAP!
  - Council needs time to look into the lay of the land and the contours and understand where the risk is with run off and erosion in implementing the government directive.
    - All surrounding areas of flood prone/flood prone areas need to be identified for run off risk.
    - Analysis of run off from development creating NEW flood prone/flood plain areas needs to be modelled to identify future issues if planned zoning goes ahead.
    - Analysis of run off from development on erosion/slips needs to be modelled to identify future issues if planned zoning goes ahead.
  - Council needs to demand guarantees from Govt that they will underwrite any land owner litigation/damages that come about from the impact of the implementation of Governments planning directive.

## Qualifying Matters – Hauraki Gulf Marine Park – Storm water and sediment runoff

- The following pages show the impact of stormwater and sediment run off in the water of bays of the Hibiscus Coast and the Estuaries that flow into them.
- Algae Bloom on rock pools where people regularly gather kaimoana for cultural needs has occurred on Stanmore Bay near the stormwater outlet which is situated in the rock pools.
- We have also had raw sewage overflow into local parks, beaches and waterways.
- I have lived on the Hibiscus Coast since 1974. As a child I remember Stanmore Bay beach being strewn with Horse Mussels after northerly storms in quantities that would be hard to believe today (imagine for every piece of washed up piece of seaweed you would also have a horse mussel about 20cm long, sea gulls would feast on them for up to a week after a storm there were so many). They came from a bed that were on the sea floor out from the rock pool area in the middle of the beach. Since the Rodney District Council installed a storm water outlet drain to emit all of the stormwater from Doyly Drive park onto the rock pools of Stanmore Bay beach we have lost these beds and I would only see the odd one or two horse mussels of full size ever being washed in these days.

Aucklanders value their beaches and harbours. We aren't doing enough to look after them and Plan 78 will make it worse.

“Surveys by Auckland Council of the community indicate beaches and harbours are the most valued aspects of the environment (Auckland Council, 2014).

Furthermore, beach water quality was identified as the second most important environmental issue after air quality.”



# Supporting Evidence

## - Sewage Overflows -

- Hibiscus Coast Raw Sewage overflows - images to follow....
- . IMPORTANT - often the only way that Watercare and Safeswim have known of these overflows is through public reporting of the issue. The systems they have are not showing a problem.
- Note – this is not all overflows that have occurred just those that I know of.

# 23 September 2021

## Stanmore Bay



**Kay Abayakoon**

23 September 2021 · 🌐



**FYI, raw sewage overflow over the footpath  
in the D'Oyly reserve. Logged a fault with  
watercare. 💩💩💩🤮**

# 25 October 2021 Little Manly Beach



Alesha Hoskin

25 October 2021 · 🌐



WARNING: DO NOT go swimming at Little Manly as this is what is going into the storm water. Raw sewage. Toilet paper, terds and all! SORRY to show the pictures but this was taken today. Id hate for anyone to be swimming in this. Please review the swimsafe website before entering the water as this beach is deemed unsafe for the next 2 following days.

Swimsafe have a HIGH RISK (red alert) not to swim in BIG Manly & Little Manly.

<https://www.safeswim.org.nz>







# 21 March 2022

## Stanmore Bay

- Doyly Drive Park
- A massive Trail of raw sewage covers the walking path and most of the park. It leads directly to the stream that goes to the sea and the walking path is used by all park users – including school children going to/from school.
- Watercare and Safeswim did not know of this until public reported it.

# 21 March 2022 – Stanmore Bay

A massive Trail of raw sewage covers the walking path and most of the park right next to the kids playground in D'Oyly Park





# 21 March 2022 sewage



A second raw sewage overflow location into Doyly Drive park, Stanmore Bay.

This storm water man hole is upstream from the Doyly stormwater drain that goes direct to the sea



# 21 March 2022 – Overview of raw sewage overflow implications – Stanmore bay



The stream runs behind private properties from Viponds Road, Langton Road, Brightside Road, Kauri Road and next to public recreational areas (skate park, soccer fields) before going into the estuary and onto the beach.

The storm water outlet goes directly from D'Oyly Drive Park under Viponds Road and straight onto the rock pools and beach of Stanmore Bay.





Kids playground and school are in/next to park where raw sewage overflows occurred.





The effect of storm water on Stanmore Bay beach, all that brown in the water is stormwater in the bay.



# 8 July 2022 – Little Manly Beach





# 12 July 2022 Little Manly Beach

Beach closed due to  
Raw sewage overflow  
Directly onto beach and  
Into water



# 12 July 2022 – Stanmore Bay

Another pile of raw sewage (photo taken after Being cleaned up) has trailed across The doily reserve walkway.

Stanmore Bay primary school just along from This overflow and it is next to the kids Playground area.

Stream running to the sea is where the trees are



# Stormwater Run off

- Storm water from heavy rain events causes mass run off of water and sediment into local bays.
- These photos do not capture every time this has happened.



Large Stormwater Outlet position on Stanmore Bay Beach  
right in on top of rock pools and exposed at mid tides



5 September 2019

Algae Bloom over Stanmore Bay rockpools where stormwater outlet emits





# 21 July 2021 – Stanmore Bay

Storm water and sediment run off





# 23 Sept 2021 – Stanmore Bay

Storm water and sediment run off



# 23 Sept 2021 – Stanmore Bay

Storm water and sediment run off



Looking west to Orewa – opposite end of Stormwater and estuary outlets



# 7<sup>th</sup> October 2021 – Stanmore Bay

Storm water and sediment run off





# 15<sup>th</sup> December 2021 – Stanmore Bay

Storm water and sediment run off



# 21 March 2022 – Stanmore Bay

Storm water and sediment run off



# 12 July 2022 – Stanmore Bay

Storm water and sediment run off





# 26<sup>th</sup> July 2022 – Stanmore Bay

Storm water and sediment run off



sediment run off water  
in Doyly creek



# 12 August 2022 – Stanmore Bay

Storm water and sediment run off



# 5 Sept 2022 Stanmore Bay – early afternoon

Storm water and sediment run off





# 5 September 2022 – Stanmore Bay

Storm water and sediment run off



# 5 Sept 2022 – Stanmore Bay – 5pm

Storm water and sediment run off



# 5 Sept 2022 – Stanmore Bay Estuary 5.30pm

Storm water and sediment run off





Stormwater Run off  
other areas

21 March 2022 – Matakatia Bay  
Storm water and sediment run off



# 23 March 2022 – Orewa Estuary

Storm water and sediment run off





27 July 2021 – Big Manly beach Stormwater run off pipe onto beach to sea

Storm water and sediment run off



# Flooding from Stormwater

The Creek through Doily Drive Reserve backs up closely to homes along Donald Street and Knott Road.

Any increase in stormwater volumes will result in higher creek levels and possibly threaten homes with flooding.





Houses on Donald street – flattened vegetation shows where the creek water level has been through Doily Reserve.



# How the proposed zoning is wrong

- The image below shows the flooding at Doyle Reserve creek at the storm water outlet. Jan 2023





# Examples of how the planned zoning is wrong

- The image shows flooding in The langton/brightside area. Jan 2023





# Examples of how the planned zoning is wrong

- The images show flooding of homes in the Langton road area Jan 2023



# Examples of how the planned zoning is wrong

- The image below flooding in the langton road area. Jan 2023





# Examples of how the planned zoning is wrong

- The images below shows the Kauri Road/Brightside road intersection and roads flooded. Jan 2023

