

**Proposed Natural Resources Plan for the Wellington Region**

**Amendment to Right of Reply: Stormwater**

**For Hearing Stream 4**

**Tabled 18 May 2018**

**Topic: Stormwater**

**Prepared by:**

**Amber Carter**

**On behalf of Greater Wellington Regional Council**

## 1. Amended recommendation for the Definition of stormwater network

1. In my Right of Reply: Stormwater at paragraphs 140-141, I recommended two exclusions from the definition of stormwater network: farm drains and streams. This was in response to submitters' requests for more clarity on what the stormwater network specifically excludes/includes.
2. However, since my Right of Reply was published on 4 May 2018 and after listening to the Panel's questions to Mr Willis on 16 May 2018 and further discussion with Ms Guest following Hearing Stream 5, I have reconsidered my recommendation. My intent was to provide more clarity, but I am concerned that listing exclusions has had the opposite effect.
3. At paragraph 135 of my Right of Reply I make the point that the stormwater network involves multiple discharge points to multiple receiving environments and that *'the definition of 'stormwater network' is deliberately broad to allow for flexibility. This broad definition works in conjunction with the proposed Plan's global consenting approach, whereby all stormwater discharges from the network are included within the scope of one resource consent under Rules R50/R51'*.
4. The stormwater network is a conveyance system that transports stormwater and its entrained contaminants to receiving environments. Streams, permanently flowing open channels, rivers, water races and so on will be the receiving environment(s) rather than the network. However, I did not recommend a blanket exclusion of surface water bodies from the definition of stormwater network in either my S42A Report or my Right of Reply because of the risk of unintended consequences. The definition of surface water body is wide and stormwater networks across the Wellington Region vary considerably in their nature, extent, and how much is known about them. I was conscious that anomalies could exist where it would be more efficient to consider, for example, a section of water race/open drain as part of the stormwater network rather than a receiving environment. The intent of the global stormwater consenting framework allows for flexibility and for each situation to be considered within its relevant context. Excluding such anomalies would incur a small cost to local authorities if they could not include these in the network

discharge consents and would be less effective and efficient in achieving the proposed Plan's objectives.

5. While I did not recommend a blanket exclusion of surface water bodies from the definition of stormwater network, I attempted to address some part of submitters' requests for more certainty by recommending excluding two more specific types of watercourses that I considered had the highest likelihood of always being receiving environments rather than part of the stormwater network (streams and farm drains). However, I now recommend not listing any exclusions in the definition of stormwater network. I acknowledge that this creates less certainty for applicants, but I have weighed this against the risks of unintended consequences (exclusions) and consider it is more effective and efficient to allow greater flexibility. Local authorities need to apply for resource consent for discharges from their stormwater networks and defining the extent of each network, including anomalies, is better left to the consent stage.
6. Therefore I now recommend an amendment to the recommendation in my Right of Reply: Stormwater so that the definition of stormwater network is retained in its notified form:

*Stormwater network - The network of devices designed to capture, detain, treat, transport and discharge stormwater, including but not limited to kerbs, intake structures, pipes, soak pits, sumps, swales and constructed ponds and wetlands, and that serves more than one property.*

~~Note: For the avoidance of doubt, the stormwater network does not include streams or farm drains.~~

7. I will leave it to Ms Guest to respond to submitters' concerns on the definition of '**drain**' and Rule R121 raised during Hearing Stream 5.