**David Warburton Stormwater Technical Working Group report speech**

**Introduction and acknowledgements**

Tēnā koutou katoa, hello, I am David Warburton, independent Chair of the Stormwater Technical Working Group that was established in March 2021.

The working group was established to identify future arrangements for the planning and management of stormwater services and how those services could be successfully delivered by the proposed water service entities, whilst protecting and enhancing the relationship between the proposed water service entities and local authorities.

The working group includes members with experience, knowledge and expertise drawn from across the three waters sector - our drinking water, wastewater and stormwater sectors -, council operations, river management, transport, regulating operators, Tikanga Māori, engineers, scientists, and planners.

Following a series of workshops, and comprehensive sector engagement, the working group prepared a report which sets out a proposed approach to the transfer of stormwater functions and delivery to the new water service entities.

As Chair of the working group I am pleased to present this report to you.

The key transfer issues came up during the discussions. These included working through the issues with the groupthe group noted that there are significant benefits to be gained through integrated three waters delivery and increased investment, which will enable essential progress to be made on challenging issues like improving stormwater quality.

BUT there are a range of existing and future challenges that will need to be addressed to support any transfer. We identified:

* the lack of consistent national standards and an approach to the management and delivery of stormwater services;
* the complexity of the legislative, policy and planning framework for stormwater;
* the lack of clarity around accountabilities, responsibilities and ‘powers to act’;
* the complex and variable nature of stormwater arrangements around Aotearoa; and
* the need to ensure that stormwater systems contribute to the delivery of multiple outcomes not just for stormwater, but also for the transport system, our recreation and urban amenity needs and the environment.

The transfer principles were to guide the transfer of stormwater functions to the proposed water service entities, the working group identified some key principles. These include:

* that water service entities should adopt a ki uta ki tai perspective, or “mountain to sea” the philosophy of environmental and resource management, to three waters management;
* they should apply an integrated catchment management approach that considers both stormwater quantity and quality;
* they must give effect to Te Mana o te Wai and work in partnership with tangata whenua and mana whenua;
* that stormwater management should be transferred at the same time as drinking water and wastewater functions;
* that the transfer of responsibilities should not leave “stranded” assets behind with local authorities;
* that the proposed water service entities will have technical and operational capacity and capability which should be leveraged to back support regional and local authorities; and
* that the civil defence and emergency management roles and responsibilities should remain at a local, regional and national level, but that the proposed water service entities should have the obligations of lifeline utility operators to support those functions.

The transfer framework framework is set out in the report sets out a high-level framework to guide the transfer of stormwater functions.

There are three key areas that we looked at to focus on. The first is:

*The transfer of local authority stormwater assets to the proposed water service entities.* This includes the following considerations:

* Existing ownership of the land and stormwater assets should be retained where possible.
* But, whether assets are transferred will be determined by their predominant use and criticalityfor the operation of the stormwater system.
* If the predominant use is not stormwater, such as a park or a road, then it will not be transferred. But, if the asset or land is critical to the function of the stormwater system, then the proposed water service entity and current owner must establish an agreement to manage the interface between the respective functions for the underlying use and the stormwater system.
* These agreements must recognise the importance of all outcomes, including the 'non-stormwater' critical functions.
* These asset transfer principles should be employed flexibly because there will be ‘special cases’ that will need to be considered on their merits.

The second area of focus is *the future regulatory interfaces to maintain and operate the stormwater network* and this considered that*:*

* Environmental outcomes and standards for stormwater discharges would continue to be regulated by regional councils.
* The proposed water service entities would be responsible for managing the stormwater system to meet environmental standards that are set through planning and consent processes.
* Stormwater catchment management plans should be developed by the proposed water service entities to provide a framework for delivery against regulatory requirements.
* The proposed water service entities should have limited powers, like local authorities, to support them to maintain and operate stormwater systems.

The third area of focus is *Managing the interfaces between agencies, land and infrastructure.* This considered that*:*

* The proposed water service entity would not own all of the assets or land that support the stormwater system to deliver outcomes.
* Any future arrangements will require ongoing collaboration between the proposed water service entities, local authorities, regional councils and road controlling authorities.
* This would mean that they would need to need to establish an interface agreement with key public sector entities for the:
	+ operation and maintenance activities; and
	+ funding and future investment arrangements.
* To ensure consistency, a national approach would need to be adopted to develop a framework to mandate interface agreements, but that individual agreements should be defined through direct engagement between the proposed water service entities and respective local authorities and agencies.

Further work and engagement is required, but if the reform proceeds this framework can be used to guide the transfer process, through the transition and implementation phases, to ensure the new stormwater management system is efficient, effective and improves stormwater outcomes.

Ngā mihi nui and thank you very much for taking the time to listen. Kia pai tō rā, have a good day.