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Report to the Hutt River Floodplain Management Advisory Committee
from Alistair Cross, Resource Planner, Flood Protection

Hutt River Floodplain Management Plan : Non-structural Measures Workshop Outcomes and Public Involvement

1. Purpose

- To recap the outcomes from the Non-structural Options Workshop and the tasks arising from it.
- To present to the Advisory Committee a verbal report covering public feedback on the non-structural measures.
- To provide background on how recommended non-structural measures will be presented for confirmation to the June HRFMAC meeting.

2. Background

2.1 Outcomes from Non-structural Options Workshop

A report to the 13 March Advisory Committee meeting set the scene for the Non-structural Options Workshop. The 10 April workshop represented a critical step to obtain guidance and refine the non-structural measures prior to public consultation.

This report recaps the main outcomes from the workshop, and updates progress on general tasks relating to guidance provided at the workshop.

2.2 Public Involvement and Themes in Feedback

The general public, plus targeted groups and land owners, are currently receiving information on the non-structural measures and their importance.

A *Living with the River* centre spread was published in the Hutt News on 26 April and Upper Hutt Leader on 10 May. Additionally, interested or potentially affected parties and meeting attendees received a newsletter in mid May based on the spread.

Presentations to the city councils, and residents or landowners in unprotected locations along the river corridor, began in mid May.

A verbal report will be presented to the May Advisory Committee meeting updating public feedback on:

- flood hazard issues and prime outcomes sought
- specific non-structural measures
- approaches to non-structural floodplain management planning in general

Attachment 1 shows the programme for public involvement presented at the Non-structural Options Workshop.

2.3 Towards the June Advisory Committee Meeting

General principles for proposed non-structural measures will be presented to the June Advisory Committee meeting. These principles will support the way residual flood hazard risk in the Hutt Valley needs to be managed. The Committee will be asked to consider the principles for final confirmation.

A range of specific non-structural outcomes will relate to the general principles. The Advisory Committee will see:

- what the principles ‘mean on the ground’
- how the measures will be implemented

The process steps required to confirm preferred measures are presented in a flow chart as **Attachment 2**.

3. The Non-structural Options Workshop : Main Outcomes

3.1 Recapping the Workshop Purpose

- Informing the Advisory Committee of the range of non-structural measures including land use and emergency management measures
- Obtaining guidance from the Advisory Committee on information to present to the community.

3.2 General Guidance from Participants

Workshop participants provided guidance on matters related to the wider set of measures, summarised below.

Investigate Criteria-based Approach

Develop and evaluate land use regulatory measures following a more criteria-based rather than activity-based approach¹.

¹ An activities-based approach groups land uses by their general activity type, for example: industrial, residential and commercial activities. A criteria-based approach can cover the spectrum of development without referring to specific activities, for example: controlling all new habitable buildings.

Using an activities-based approach runs the risk of missing activities that fall outside the activity definitions. It can also create unnecessary duplication of regulations. However, an advantage of activities-based approach is that it produces clearer and more certain outcomes for land owners and developers.

The ultimate solution may be a mix of the activity and criteria-based approaches, which allows the strengths of both to be used.

Avoid Prescriptive Measures and Allow Flexibility

Measures should not be overly prescriptive. Some measures propose specific ‘one solution’ actions to mitigate the flood hazard, such as raising floor levels in new buildings. Further, develop and evaluate measures that:

- state the flood hazard level to be mitigated
- allow the land owner/developer to select a mitigation solution appropriate to them

These modifications would increase flexibility for land owners and developers.

Provide the Public with Good Information

Enter the public involvement phase with good information that backs up the measures. Be clear about rationale for measures being developed. Recommended amendments to measures need to occur before information is shown to the public.

Emphasise Voluntary Actions

Clearly inform the public, during the public involvement phase, about potential education, advice and advocacy options (voluntary actions).

Re-examine Erosion Zone Measures

Some measures propose an absolute restriction on land use activities. Re-examine these measures for actions that can successfully mitigate flood hazard effects. This issue relates more to the BEZ and EHZ² within the river corridor, than to other river corridor or floodplain areas.

Seek a Legal Opinion on Measures Viability

Obtain a legal opinion on the viability of any proposed measures that:

- require an absolute restriction on development
- have an effect on development similar to a designation
- severely curtail development aspirations

Recognise Compensation Issues

Recognise potential compensation issues for private land owners faced with heavy controls on the use of their land. A legal opinion will provide some guidance on this matter.

² EHZ: Erosion Hazard Zone. BEZ: Baserock Erosion Zone

Justify Measures

Ensure that land use measures being put-forward can be strongly justified. The Resource Management Act 1991 requires broad costs and benefits, and alternative solutions, to be analysed as part of a plan change process. In other words, the land use measures selected must be the most appropriate measures to manage flood hazard effects.

Ensure Measures are Balanced

Make sure proposed controls appropriately balance the treatment of the flooding hazard with the degree of restriction on land owners and developers. This guidance relates to broader advice on justifying measures.

Clarify WRC/UHCC – HCC Responsibilities

Responsibilities for developing and implementing non-structural measures following the 1999/00 financial year require further discussion. The share of basic responsibilities should be determined before the end of the financial year.

3.3 Outcomes for Specific Measures

Workshop participants provided guidance on a range of minor and major issues. Guidance on major issues included:

- emphasising advocacy and education for forestry operators in the upper catchment
- developing definitions and thresholds for filling and significant redevelopment in unprotected areas
- acknowledging other uses that concentrate people in unprotected areas such as :
 - places of public assembly
 - education facilities

3.4 Actions Arising from Guidance

The guidance provided requires distinct actions, which are summarised in the following table.

Table 1 : Actions related to workshop guidance

Guidance and Action	By When
<ul style="list-style-type: none"> • Investigate criteria-based approach: Develop criteria-based measures for evaluation. 	Late May 2000
<ul style="list-style-type: none"> • Avoid prescriptive measures: Refine mitigation options accordingly where possible. 	Late May 2000
<ul style="list-style-type: none"> • Provide good information to the public, ensuring that measures can be fully explained and justified. 	Mid May 2000
<ul style="list-style-type: none"> • Emphasise voluntary actions to the public. Explain what those actions could include. 	Mid May 2000

Guidance and Action	By When
<ul style="list-style-type: none"> ▪ Re-examine erosion zone measures for actions that can manage adverse flood hazard effects. 	Mid May 2000
<ul style="list-style-type: none"> ▪ Seek legal advice on potential restrictions in unprotected areas. 	Mid May 2000
<ul style="list-style-type: none"> ▪ Recognise compensation issues and seek legal advice on this matter. 	Mid May 2000
<ul style="list-style-type: none"> ▪ Justify measures and ensure they are balanced: Bare this requirement in mind during the refinement of measures. 	Throughout
<ul style="list-style-type: none"> ▪ Clarify Councils responsibilities for developing planning rules and other documents for any plan change application. 	Mid June 2000
<ul style="list-style-type: none"> ▪ Emphasise advocacy/education relating to forestry management in the upper catchment, as a measure to include. 	Mid May 2000
<ul style="list-style-type: none"> ▪ Develop basic definitions and thresholds as measures are refined. 	Mid May 2000
<ul style="list-style-type: none"> ▪ Acknowledge other uses that concentrate people in unprotected areas 	Mid May 2000

The tasks listed above generally require internal evaluation at the Regional Council and feedback from the NSOWG³. Legal advice will be provided by John Tizard of Oakley Moran, following a workshop session involving key staff from each of the three councils. Examples of criteria-based planning rules from Hutt City and Canterbury Region will be used to help integrate criteria-based methods into what will probably be an activity/criteria mix.

4. Communication

The 10 April Workshop was a critical step to develop non-structural options for public feedback during April and May 2000. Following guidance from the Workshop, general information presented to the public so far has included:

- defining non-structural approaches to floodplain management planning
- providing links to the range of possible measures
- clarifying key flood hazard issues affecting the Hutt Valley

Selected communities of the Hutt Valley will be provided during May with information on non-structural measures that particularly affects them.

³ NSOWG is the Non-structural Options Working Group comprising officers from each of the three councils.

5. Recommendation

That the report be received and the contents noted.

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Attachment 1 : Public Involvement Schedule for Non-structural Options

Attachment 2 : Process Pathway following the Non-structural Options Workshop