



MEMORANDUM

File Number:EN85-03

To: All Mayors/Chairs Date: 28 September 2007
cc: All Chief Executives From: Ian Buchanan, Chair, Regional Affairs
Flood Management Sub-committee
Subject: Flood Risk Management Update for September 2007

1. Purpose

The purposes of this paper are to:

- update you on the work of the Regional Affairs Committee (RAC) Flood Management Sub-committee (the Sub-committee)
- update you on the work of the Ministry for the Environment (MfE) on the Review of Flood Management
- advise you that the Government may release the draft Flood Management National Policy Statement (NPS) for comment in November 2007.

2. Introduction

This memorandum follows on from the ones I sent you in September 2006, February 2007 and April 2007 to update you all on the work on flood management being undertaken by the RAC and its Flood Management Sub-committee. A copy of the update memorandums and relevant background papers can be found on the Local Government New Zealand website (www.lgnz.co.nz) in the 'Current Projects' section under flood management.

3. Background

Following the floods in the period 2004-06 central government agreed to the Ministry for the Environment (MfE) undertaking a review of flood risk management. Cabinet agreed a work programme scheduled to be completed mid to late 2007.

Meanwhile, local government responded to the floods by preparing the Managing Flood Risk Draft New Zealand Protocol. The RAC created a Flood Management Sub-committee of regional council and territorial authority politicians and chief executive officers to oversee both strands of work (refer to the February update memorandum for membership of the Sub-committee).

4. Update on RAC Flood Management Sub-committee Work

Development of a Managing Flood Risk New Zealand Standard

Standards New Zealand has set up a committee of stakeholders to oversee development of the Standard. Steve Ruru (Chief Executive, Thames-Coromandel District Council) chairs the process. The development of the Standard is progressing with completion planned for the end of 2007.

Central government has agreed to assist with funding of the scoping exercise and development of the Standard and will contribute \$60,000 towards the work. The remainder will come from the local government sector (largely regional councils, with a \$10,000 contribution from Local Government New Zealand). The cost is in the order of \$120,000 - \$150,000.

An update on the Standard work from Steve Ruru is attached as Appendix 1.

Local Government Perspective on Management of Flood Risk in New Zealand

The local government position statement on flood risk management in New Zealand and the local government position statement on a National Policy Statement (NPS) on Flood and Stormwater Risk Management have been fed into the work being undertaken by central government.

The Sub-committee met with Ministers on 12 June 2007 to outline the position statement on the NPS and discussed further opportunities for engagement on the ongoing work being undertaken by the MfE. Ministers gave an undertaking to continue meeting with the Sub-committee and for the MfE to continue involving it in their ongoing work.

Since this time work has been progressing on developing the NPS. The MfE has created a technical review committee to assist it with development of the NPS. The Local Government New Zealand representative on the group is Rod Titcombe (Chief Executive, Manawatu District Council). Other local government officers are on the committee as individuals with relevant technical knowledge. Rod Titcombe has provided an update on the content of the work in Appendix 2.

5. Update on the MfE Review of Flood Management

a) Work undertaken to date

The MfE has advised that its work on the Review of Flood Management is now substantially finished. It is likely to be reporting to Cabinet on the Review findings in November 2007. The MfE undertook work on the following projects.

Current approach to flood management project

This project has focused on preparing 17 case studies on how councils manage flood risk.

Funding and affordability

The MfE has engaged consultants to prepare a report on funding, roles and responsibilities and a report is being finalised.

Legislative framework

In March 2007, the MfE released a paper summarising the legislation governing flood management. MfE officials received comments back from the local government sector and various practitioners. A range of views were received.

Forecasting and warning systems

The MfE prepared a draft report on monitoring, forecasting and warning systems. MfE officials went through a consultation process on the report with stakeholders.

b) Ongoing central government work

Although the review concluded in June 2007, there are other current central government programmes that are continuing. Pending central government decisions on the review findings there may be some programmes that continue.

NPS on flood management

In March 2007 Cabinet agreed that it was desirable to prepare a NPS on flood risk management. The first step in the Resource Management Act process was for the Minister for the Environment to seek and consider views from relevant parties, including local government and iwi management authorities, on the scope of the NPS. This occurred in May and June 2007. The local government position statement on the NPS was fed into this scoping exercise. Further details on where this work is at are provided in Appendix 2.

The Government may release a draft Flood Management NPS for comment in November 2007. The Government is proposing to set up a Board of Inquiry to hear submissions and to report back to it on the NPS.

Hazard management guidance

MfE officials are developing a guidance note for hazard management, including floods, which will be made available on the Quality Planning Website (www.qualityplanning.org.nz). The guidance note is based on the work the MfE and the Ministry of Civil Defence and Emergency Management (MCDEM) commissioned earlier in the Review from Tonkin and Taylor. The earlier report is available on the Quality Planning Website.

6. Action

Please pass this memorandum on to relevant councillors and officers within your organisation.

Ian Buchanan
Chair
RAC Flood Management Sub-committee

Appendix 1

Update from Steve Ruru on the NZ Standard on Flood Management

The Committee has now reached the stage where it has a draft flood risk management standard that is split into two parts.

Part A provides a generic framework for the management of natural hazard risk. It is intended to provide the context for a wide range of hazards, identifying responsibilities for individuals, professionals, and organisations, while promoting a risk management approach based on AS/NZS 4360. This part has been designed so that eventually it could be 'separated' from the flood specific risk management standard that is in Part B.

Part B deals specifically with flood risk management and has evolved from the draft Flood Management Protocol. There have been a number of changes made to the original protocol as a result of discussion at the Steering Group.

The Committee is now at the stage at which both parts are going through the 'plain english' process so that they can come back to the Committee at its next meeting in September for review.

At this stage it is hoped that, at the September 2007 meeting, we will be able to get to a point at which we can sign-off on a final draft of the standard that is to be released for public consultation.

One issue to note is that central government officials are suggesting that it might be possible to facilitate the development of a separate generic Natural Hazards standard (and the development of specific standards for other natural hazards (e.g., Tsunami) more quickly than originally anticipated. As a result there is a suggestion that we go back to just producing a flood standard. This will, however, need to be discussed/agreed with the Committee in September 2007.

Appendix 2

Update from Rod Titcombe on the Technical Reference Group on the NPS on Flood Risk Management

The Technical Reference Group has now met on two occasions. The work of the group has focused on the following areas:

Legal definitions:

The group has undertaken work on definitions and is now seeking guidance from MfE legal advisors on the definitions. Key definitions include:

Hazard/flood:

This is the event itself and is in keeping with the RMA definition. Often this is described in probabilistic terms e.g. 1 in 100 or flood flows (cumecs).

Risk:

In line with the New Zealand Standard AS/NZS 4360 risk is defined as likelihood of the event and the consequences of the event. Vulnerability and resilience are often used to describe a flood's impact and these factors influence the magnitude of the flood's consequences.

The meaning of effect is defined in section 3 of the RMA. The definition includes the concept of risk by incorporating any potential effect of high probability and any potential effect of low probability which has a high potential impact.

NPS Approach:

Discussion has ensued on issues of the level of direction and prescription in the NPS. MfE legal advisors note that in general a NPS is not about imposing a standard. A NPS should be seen as a best practice instrument, rather than a regulatory tool.

Principles:

Key principles discussed by the group include:

- the trade off between flood risk and what communities can afford/willingness to pay/value for money
- local flexibility
- terminology – language change.

Other matters:

Other matters to be discussed in the NPS preamble or in guidance material include:

- flooding is a natural process, human occupation creates the hazard
- definition of hazard
- protection measures – priority to options with least impact on other values
- consider full range of options and not be constrained by past practice
- insurance linked to risk .

NPS Content:*Catchment:*

- requirement for catchment management plans
- whole of catchment approach
- guidelines for catchment management planning
- triggers/thresholds for assessing change e.g. when no more development, or replacement will be allowed - done under catchment management plans
- taking into account future development in catchment - precedent
- cover all land uses, not just residential
- localised flooding, river systems flooding .

Risk:

- consistent level of risk identified
- 4 Rs - reduction, readiness, response, recovery, with emphasis on avoidance
- national/regional broadscale identification of flood risk
- management of residual risk up to probable maximum flood.

Assessment:

- effects management - cause management – catchment influences on flooding
- requirement for the provision of information
- sea level rise and climate change
- information available and transparency, relevancy, quality
- assessment of cumulative effects of development/land use change.

Methodology:

- process-based – what to look at to reach own determination of what is acceptable, with particular things that need to be addressed
- consistency in methodology
- guidelines on flood management strategies and how to assess risk
- good practice guidance for mitigation
- precautionary approach – credibility to historical information.

Management:

- flood-proofing – grant use, to modify consequences of flooding

- 4Rs – reduction, readiness, response, recovery – balance with focus on reduction first
- managed retreat
- maintenance of floodways when developing
- restoration of rivers to a more natural state, recognising the co-benefits of restoration, providing for the natural functions of waterways.

Roles:

- clarification of roles of national, regional and local councils or requirement for regional and local councils to agree roles
- collaborative planning between regional and local councils
- obligations of neighbours and occupiers – community co-operation. Expectation of utility providers.

Matters Not in a NPS:

- addressing the requirements of other legislation e.g., CDEM Act
- systemic problems – significant problem that NPS can only solve part of
- central co-ordination of tools e.g. Light Detection and Ranging (LiDAR)
- cost-benefit analysis of options
- weighting of flooding against other considerations when assessing resource consents
- direct councils to make rules on certain matters/in certain circumstances.