

18 March 2024

Ministry for the Environment
Wellington
Via email severeweather@mfe.govt.nz

Tēnā koutou katoa

Severe Weather Integrated Response (Hawke's Bay flood works): Order in Council feedback.

Water New Zealand (Water NZ) welcomes the opportunity to have input into the proposed Order in Council to enable faster consenting of flood mitigation works in the Hawke's Bay region. Water NZ supportive of the intent behind the Order in Council.

Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand's three waters (drinking water, wastewater and stormwater). Water NZ is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its ~3,200 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists.

Introduction

The Heretaunga plains have been created by centuries of rivers flooding. Climate change will exacerbate the river flooding and the risk posed to communities, infrastructure and the natural environment. There is a need to avoid new development, and supporting infrastructure, in high-risk areas.

Water NZ understand that work to replace or rebuild damaged stop banks has already occurred. The Order in Council is for new flood protection and river scheme works to provide protection and reduce risk for more than 900 properties.

We note that any consents required will be processed as a controlled activity. This means that the consent must be granted but will be subject to conditions to manage its environmental effects.

Without seeing a draft Order in Council, Water NZ's high-level comments to inform the policy intent are:

- Floods are New Zealand's most frequent and most significant natural hazard. Climate change will exacerbate the risk that river flooding poses to communities and the natural environment.
- Between them, urban stormwater and flood protection schemes underpin the integrity of public and private assets, provide resilience and security to communities and their investments. Urban stormwater¹ differs from flood protection. The risk from river flooding is managed by regional councils' flood protection schemes.
- The 2023 rain events and Cyclone Gabrielle emphasised regional council's flood protection schemes are vital to protect economic, environmental and social wellbeing.
- Aotearoa New Zealand has a significant water infrastructure deficit. This has resulted in substantial vulnerabilities with existing infrastructure, including with flood protection schemes.
- The replacement cost of 367 flood protection schemes throughout New Zealand are estimated to be \$2.3 billion. These 367 schemes protect around 1.5 million hectares of land or 5% of New Zealand's land area. Meeting existing flooding levels of service is beyond [local and regional] council's current budgets. Te Uru Kahika- Regional and Unitary Councils Aotearoa has sought central government commitment to co-invest approximately \$197m per annum in the upgrade and resilience of flood protection schemes. Water NZ supports this the need for this investment. Without considerable investment service delivery and community vulnerability will remain.
- While implementing a streamlined consenting process will result in cost and time improvements for delivering new stop banks, spillways and other infrastructure. It is vital that the process does not lead to unintended consequences to social and economic wellbeing or outcomes which see a worsening of the environment.
- We must avoid building or intensifying infrastructure provision in high hazard risk areas, for example, flood plains and coastal fringes. The Order should direct decision-makers to take into account national climate change risk assessments prepared under the Climate

¹ Urban stormwater networks are managed by local authorities. Stormwater networks are complex, with most comprising a reticulated stormwater network as well as above-ground, watercourses, secondary, and overland flow paths.

Change Response Act 2002 Similarly, consent conditions need to have regard to natural hazard risk information prepared under the Local Government Official Information and Meetings Amendment Act (2023).

- Alongside physical flood defences, stronger direction is needed to deter development in high-risk areas. Problematic [re]placement of housing and infrastructure create significant future costs. It will also create the potential for significant public and environmental health risks, with potentially serious adverse effects. For example, during Cyclone Gabrielle in Napier, the Redclyffe substation flooded (cutting off power to most of Napier), the Ravensdown fertiliser factory flooded (polluting aquatic environments), and the Awatoto wastewater treatment plant was submerged and bypassed for months. When it became inoperable on February 14, every household and business in Napier was affected. The policy intent of the Order in Council, must enable consenting for construction of flood protection works, whilst ensuring development in high risk areas is not desirable.
- Aotearoa's rivers have enormous flood capacity, but encroachment of flood plains and riparian margins reduces that capacity. Replacing existing, or building new, flood protection where it encroaches on floodplain capacity and doesn't allow room for a river, will be vulnerable to increasing frequency flood events and will frustrate managed retreat efforts. We suggest the OIC recognises, provides for, and protects the ability of, lakes, rivers, wetlands and floodplains, where they remain in natural state, they should be prioritised for protection and their natural capacity for mitigating flood risk.
- Residual risk is the level of risk remaining after measures to reduce risk have been applied. During Cyclone Gabrielle Stopbanks in Pakowhai, Puketapu, or Taradale that provide protection from most floods, were overtopped and resulted in significant inundation of property, livelihood and infrastructure. Intensified development behind a [new or rebuilt] stopbank is still at significant risk if the stopbank fails or in an extreme rain event. There is need to educate the community and build awareness of the residual risk remaining after stop banks, spillways and other infrastructure measures have been implemented.
- Flood protection schemes are not recognised as a lifeline utility or critical infrastructure under the Civil Defence Emergency Management Act 2002. Water in the current context of Lifeline Utilities includes drinking water, wastewater and stormwater. There is a need to expand the definition of Lifelines and critical infrastructure to include river control and flood protection schemes, including their flow and rain gauge monitoring network.

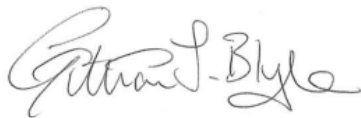
Conclusion

Water NZ support a streamlined consenting process to help the development of new stop banks, spillways and other infrastructure works to begin as soon as possible.

We thank the Ministry for the opportunity to provide suggestions to proposed Order in Council. We look forward to continuing to work with the Government to refine and contribute to resource management reform policy, regulation and delivery.

If you have any queries in relation to this submission please contact Nicci.Wood@waternz.org.nz

Ngā mihi nui



Gillian Blythe
Chief Executive