

Notice of Requirement

Flood Protection Public Works in the City of Lower Hutt
District Plan

Notice of Requirement and Assessment of Effects on the Environment

Flood protection public works in the City of Lower Hutt District Plan

Quality Information

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1. Introduction

1.1 Introduction

Greater Wellington Regional Council (GW) hereby gives notice that designations for flood protection and erosion control assets as described herein are to be included in the Proposed Hutt City District Plan.

GW is responsible for managing the flood protection and erosion control assets within the Wellington Region, including within Lower Hutt. These assets include GW-owned land adjacent to the Te Awakairangi /Hutt River including stop banks and river corridors. The Te Awakairangi /Hutt River floodplain is the most densely populated and asset rich floodplain in New Zealand.

1.2 Purpose

The purpose of the designation shall be –

“For the construction, operation and maintenance of flood protection and erosion control works and assets”.

1.3 Site development

No development is proposed at this stage although development and/or improvements may be made to the areas within the designation as and when required, including the construction of capital works, including stop banks. Any works would be undertaken by GW or approved contractors.

1.4 Designated area

The plans showing the area to be designated are shown in Appendix A.

1.5 Conditions

Conditions proposed for this designation are provided in Appendix B.

Table 1.1 Requiring Authority details

As set out in section 166 of the RMA, a requiring authority is a Minister of the Crown, a local authority or a network utility operator approved as a requiring authority. As GW is a local authority, it is a requiring authority. The contact details are provided below.

Address for service during consent processing	Tonkin + Taylor PO Box 2083, Wellington 6011 Attention: Sarah Bevin Phone: 027 511 4877 / 04 806 4905 Email: sbevin@tonkintaylor.co.nz
Address for service during consent implementation and invoicing	Greater Wellington Regional Council – Delivery PO Box 11646, Wellington 6011 Attention: Claire McKeivitt, Team Leader Consents Management Phone: 021 241 8070 Email: claire.mckevitt@GW.govt.nz

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2. Description of the sites to which this Notice relates

2.1 Description

The flood protection and erosion control assets subject to this Notice of Requirement are located adjacent to the Te Awakairangi /Hutt River and on land in GW and Hutt City Council ownership within the Hutt City Council's jurisdiction. GW has financial responsibility for this public work. These include stop banks, grassed areas of river corridor, including areas around stop banks where some room for maintenance is required, and areas of road carriageway where required. Where stop banks are located adjacent to private property, the designation boundary does not encroach onto this private property.

3. Nature of the proposed public work

GW has statutory responsibility for minimising and preventing flood and erosion damage under the Soil Conservation and Rivers Control Act 1941 (sections 10 and 126), and the avoidance or mitigation of natural hazards under section 30 of the RMA. By definition, 'natural hazards' include flooding. Therefore, GW is required to address the flood hazard associated with rivers throughout the Wellington Region, including Lower Hutt.

GW's flood protection and erosion control programme and funding for the Region is outlined in the Council's Long Term Plan (LTP), and is supported by Council's Floodplain Management Plans (FMPs).

Designating these flood protection and erosion control assets will identify and protect these assets to ensure they remain fully operational and are not affected by inappropriate development. Designating both the stop banks and adjacent areas (where possible) means that maintenance of the stop banks can be easily undertaken as and when required. Designating flood prone and river corridor land owned by GW assists in ensuring these areas continue to function as flood mitigation areas, and are not developed for other uses, including for residential purposes.

The designation is also intended to provide for the construction of new flood protection assets, possibly include stop banks, at some point in the future, and although none are currently proposed, the Floodplain Management Plan includes a large forward work programme, including works proposed in the next ten years as described in the Long-Term Plan. This NOR is intended to provide for these works.

It is noted that some areas of stop banks and adjacent areas are already designated for flood protection purposes within the Hutt District Plan. These specifically relate to the RiverLink project and the Boulcott stop bank. The areas subject to this NOR are intended to compliment these existing designations and not override or replace them. For completeness, these existing designations are shown on the plans provided in Appendix A.

4. Nature of the proposed restrictions that would apply

The proposed conditions on the designation for flood protection and erosion protection works and assets are provided in Appendix A and aim to manage the construction of new assets, should any be constructed.

5. Effects that the public work will have on the environment, including any mitigation of adverse effects

5.1 Introduction

The effects on the environment have been identified as:

- Positive effects and contribution to the community;
- Visual effects, and
- Effects from maintenance and construction activities.

5.2 Positive effects

The presence and protection of flood protection assets including stop banks and river corridor areas is considered to contribute greatly to the enjoyment of the surrounding urban and residential areas and to only consider new flood protection infrastructure where existing development is at risk.

5.3 Visual effects

The sites and areas subject to this NOR are existing flood protection and erosion control assets and GW owned areas, so the visual effects of these structures and areas are already established and they appear to be part of the township, urban and riverine environment. Further, and future structures or works within these areas would also be expected to occur within areas adjacent to rivers and therefore visually cohesive with the wider area. Visual effects from any construction activities that occur in relation to new assets would be temporary, and any permanent visual effects from additional structures would be consistent with the general riverside location.

5.4 Effects from maintenance and construction activities

There is regular maintenance activities and from time to time there may also be construction activities required within the designation, either to ensure the existing assets are maintained to an appropriate standard, or to construct new assets including stop banks for example. Maintenance activities are subject to the Flood Operations Code of Practice (Code) document. Any construction will be subject to the COP and an appropriate Construction Environmental Management Plan and best practice construction procedures.

5.5 Conclusion and mitigation

The flood protection and erosion control assets in Lower Hutt have been present for a number of years and are a part of the existing environment. No mitigation is required for the existing assets, and any construction of new assets

will be managed through the conditions proposed in Appendix B along with use of the Code and appropriate Management Plans and procedures, mitigating the potential effects of any temporary construction activities.

6. Alternative sites, routes and methods considered to the following extent

The sites subject to this NOR are GW and HCC owned areas and provide an important role in flood hazard management within Lower Hutt. They represent a significant existing ratepayer investment and will ensure that flood hazards continue to be managed appropriately. No alternative sites are considered relevant, and the routes and methods currently employed are considered appropriate and as such no alternatives have been contemplated.

7. Public work and designation are reasonably necessary for achieving the objectives of the requiring authority

As noted above, GW has statutory responsibility for minimising and preventing flood and erosion damage and the avoidance or mitigation of natural hazards. One of the mechanisms to achieve this is the use of designations to protect its interests (and the integrity) of the flood protection and erosion control assets. Designations are already in place for the Boulcott stop bank and for the RiverLink project which includes flood protection activities and assets.

A designation also reflects the long-term nature of flood protection and erosion control assets in a particular location, and also enables works to occur that ensure the ongoing maintenance activities can occur more easily.

8. Matters to consider under section 171 of the RMA

8.1 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act. The purpose of the RMA (Section 5) is to promote the sustainable management of natural and physical resources. It is considered that the proposed designation is consistent with the purpose of the Act as it provides for protection from and mitigation of flood hazards resulting from Te Awakairangi / Hutt River in the Lower Hutt District. Providing protection from these hazards enables the social and economic wellbeing of the community.

8.1.1 Section 6

Section 6 identifies matters of national importance. Section 6 matters considered to be of relevance are section 6(h) in relation to the management of significant risks from natural hazards. The proposal is considered consistent with this matter.

8.1.2 Section 7

Section 7 identifies a number of “other matters” to be given particular regard. Of relevance are:

- (a) kaitiakitanga
- (ab) the ethic of stewardship
- (b) the efficient use and development of natural and physical resources

The proposal is considered to be consistent with these matters, in particular the use and development of natural and physical resources, being the Hutt River floodplain, which is the most densely populated and asset rich floodplain in New Zealand.

8.1.3 Section 8

Section 8 requires the principles of the Treaty of Waitangi to be taken into account. Providing for the use and maintenance of flood protection and erosion control assets through designations is not considered to raise any particular issues regarding the Treaty of Waitangi.

8.1.4 Conclusion

The proposed designation, in providing for the operation of flood protection and erosion control assets, is consistent with the sustainable management purpose in Section 5 of the RMA, providing for the well-being and health and safety of the community. Overall, the proposed designation is consistent with Part 2 of the RMA.

8.2 Relevant Policy Statements and Plans

There are no National Policy Statements (NPS) relevant to the proposal.

The Regional Policy Statement for Wellington (RPS) is relevant to this NOR. The RPS is an overarching document that guides the development of the region through setting objectives and policies. The RPS sets out how the region's land, air, water, soil, minerals, energy and ecosystems will be managed to provide for the present without compromising the ability of future generations to meet their own needs. Plan Change 1 to the RPS was notified in August 2022 and accounts for new national direction on urban development, Te Mana o te Wai, and climate change.

The Objectives and Policies relevant to this NOR are limited to Objective 19 which aims to minimise the risks to people and communities from natural hazards and climate change; Policy 51 which aims to minimise the risks and consequences from natural hazards; along with Policy 52 which aims to minimise the adverse effects of hazard mitigation measures.

In summary, noting the assessment above, the NOR is consistent with the relevant objectives and policies of the RPS.

Under the Draft City of Lower Hutt District Plan, the objectives and policies seek to achieve the functions of the Hutt City Council, including in relation to achieving the integrated management of the effects of the use, development,

or protection of land and associated natural and physical resources of the district, and avoiding or mitigating natural hazards in relation to the actual or potential effects of the use, development or protection of land. The areas proposed to be designated are zoned Open Space or Sport and Active Recreation Zone in the Draft Plan.

The Open Space Zone aims to provide for the development of parks, open space reserves, gardens and community facilities owned and/or administered by Hutt City Council and GW. The Zone chapter does not discuss or provide for flood protection and erosion control assets and infrastructure, although the policy framework refers to allowing activities that 'have a functional or operational need to be located in the zone'. Flood protection and erosion control assets have a functional need to locate in the zone. Flood protection activities would require resource consent under the current rule framework in the Draft Plan and as such does not provide the certainty that GW as a Requiring Authority needs.

The Sport and Active Recreation Zone aims to provide for a wide range of indoor and outdoor active activities, community facilities and other facilities associated with sport and recreation activities. The Zone chapter does not discuss or provide for flood protection and erosion control assets and infrastructure and does not include a policy framework that discusses functional or operational need. Flood protection activities would require resource consent under the current rule framework in the Draft Plan and as such does not provide the certainty that GW as a Requiring Authority needs.

In summary, the proposed designations are consistent with the relevant objectives and policies of the relevant Policy Statements and Plans.

9. Consultation

GW has advised KiwiRail of this NOR in so far as it affects KiwiRail's existing designations in Lower Hutt. Consultation with relevant parties is ongoing.

10. Other resource consents

GW holds various regional resource consents for river management activities in Te Awakairangi / Hutt River, and these have been in place for a number of years in order for GW to manage the river corridor and to maintain its assets.

11. Additional information

No additional information is required for this NOR.

Appendix A Proposed designation boundary plans

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Conditions on the designations for Flood Protection public works

Operations and Maintenance conditions

1. After the completion of maintenance and upgrade works, the Requiring Authority shall progressively stabilise (topsoil and re-grass/hydro-seed) excavated and exposed areas as soon as is practicable or within one month after completion of the section of works to prevent erosion and scour.
2. Measures shall be employed to ensure that all maintenance and upgrading works are undertaken to prevent surface water run-off and silt run-off to adjoining residential properties.
3. The Requiring Authority must maintain the vegetated areas within the designation, to enhance the appearance of the site and to provide screening where appropriate to maintain residential amenity values.

Construction of Capital works conditions

Construction Management Plan

4. Prior to construction of capital works commencing on a site, the requiring authority shall provide to the Hutt City Council, for each stage of construction, a Construction Management Plan. The Construction Management Plan shall include:
 - a. the proposed timeline of the works
 - b. a detailed design and construction methodology of how the works will be undertaken
 - c. Identification of the contractor for the works
 - d. Identification of the experienced person(s) intended to manage the environmental issues on site and identification of a representative to be the primary contact person in regard to matters relating to the works within the site.
 - e. the 24-hour contact phone number(s) of the primary contact person to whom complaints and concerns about any of the works within the site are to be referred
 - f. Methods and measures to ensure that appropriately manage dust, rubbish and other materials potentially able to cause damage to the properties adjoining the site.
 - g. Construction activities shall comply with the provisions of NZS 6803:1999 Acoustics – Construction noise. If the provisions of NZS 6803:1999 cannot be met, then the requiring authority shall provide to the Hutt City Council a Noise Management Plan prepared by a suitably qualified acoustic consultant. The plan shall identify all potential sources of noise and include information on how the best practicable option will be adopted for keeping noise to a reasonable level. No work shall commence on site until the Manager has certified in writing that the Noise Management Plan is accepted. All construction works shall be undertaken in accordance with the approved Noise Management Plan.
 - h. Prior to the commencement of construction, the requiring authority shall submit a Traffic Management Plan (TMP) to the Hutt City Council for the approval of the relevant Manager, Hutt City Council. The plan shall outline traffic and transportation requirements relating to the proposed

works, and describe the management measures and methods which are proposed, together with any mitigation action which might be required.

5. For each stage of construction, no construction works are to be undertaken until the relevant Manager, Hutt City Council, has certified the Construction Management Plan in writing. No amendment shall be made to any approved Construction Management Plan without the written approval of the Manager.

6. All construction activities are to be undertaken in accordance with the approved Construction Management Plan.

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