



Proposed Timaru District Plan Section 42A Report: Natural Hazards Chapter – Changes to the Flood Assessment Area Overlay

Report on further submissions

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List of Further Submitters Addressed in this Report

Table 1: Further Submitters:

Submitter Ref	Further Submitter Name
8.1FS	Aaron Carson
67.1FS	Scott Jensen
144.1FS	Gregory A. and Vivienne L Wilkinson
290.1FS	Christine Purdie
292.1FS	Blandswood Residents Association
182.17FS	Federated Farmers
283.1FS	EJAPS Limited and Panguna Limited
284.1FS	Stephen Caswell
285.1FS	William McCook
288.1FS	Graham Carr Trust
289.1FS	Thatcher Farming Limited
291.1FS	MT Trust
286.1FS	South Canterbury Chamber of Commerce
287.1FS	Toni Morrison and Nathan Hole

Table 2: Abbreviations used in this report:

Abbreviation	Meaning
Council	Timaru District Council / territorial authority
CRPS	Operative Canterbury Regional Policy Statement
ECan	Environment Canterbury / Canterbury Regional Council
FAAO	Flood Assessment Area Overlay
NH	Natural Hazards
PDP	Proposed Timaru District Plan
RMA	Resource Management Act 1991

1. Introduction

Experience and Qualifications

1.1.1 My name is Andrew Willis. I hold the qualifications of Bachelor of Science in Ecology and a Masters of Science in Resource Management (an accredited planning degree). I am a full member of the New Zealand Planning Institute (NZPI). I have almost 30 years' experience working as a planner for local and central government (in New Zealand and England), as well as planning consultancies. I have been the director of Planning Matters Limited (a town planning consultancy) since its inception in 2012. My relevant work experience for this s42A report includes, amongst other matters:

- Drafting / co-drafting or updating the Strategic Directions, Natural Hazards, Transport, Coastal Environment, Industrial, Stormwater, Energy and Infrastructure and Drinking Water Protection chapters for the Proposed Timaru District Plan (PDP);
- Drafting the strategic directions, natural hazards and commercial and industrial provisions of the Proposed Waimakariri District Plan; and

1.1.2 I was not the original author of the Natural Hazards Chapter, however I did evolve this chapter in response to stakeholder comments on the draft chapters.

1.1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearing Panel.

Purpose and Scope of this Report

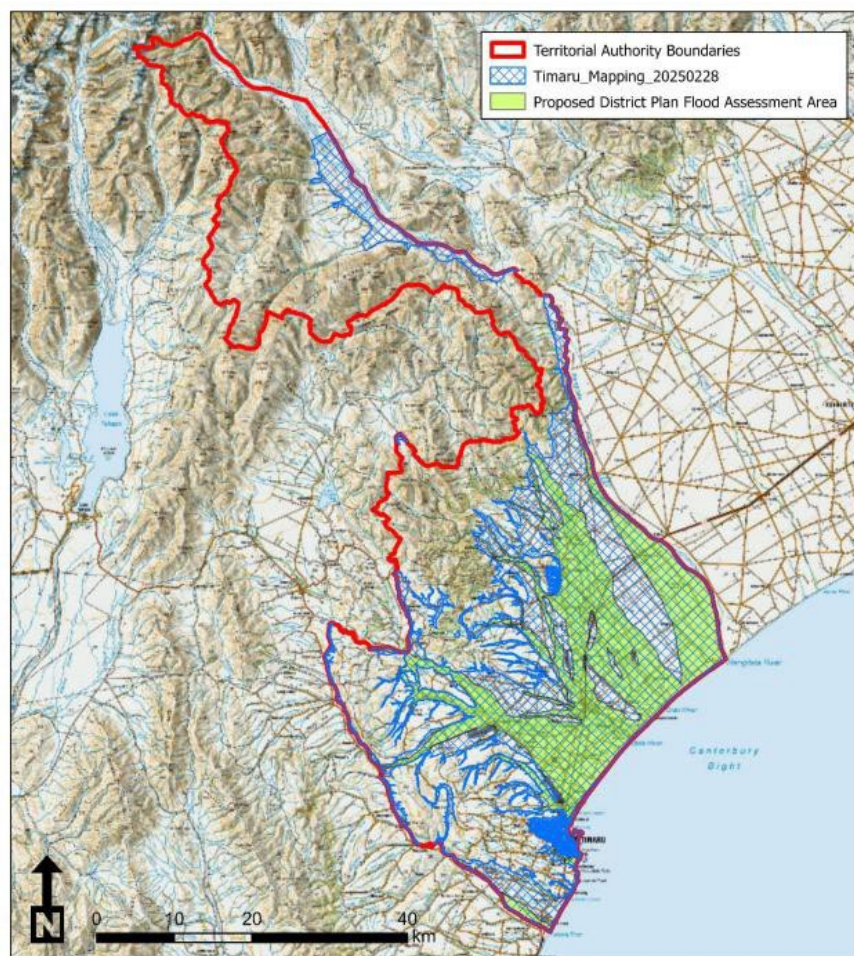
1.1.4 My primary s42A report on the Natural Hazards Chapter (and Coastal Environment and Drinking Water Protection chapters), dated 25 March 2025 was considered in Hearing F. Subsequent related reports are my Interim Reply, dated 23 June 2025 and my Interim Reply Addendum, dated 30 June 2025.

1.1.5 In my primary s42A report. I identified that Environment Canterbury (ECan) sought to amend the Flood Assessment Area Overlay (FAAO) through submission [183.28] but that the submission did not include a map identifying the areas of change. I included a map provided in a memo by Mr Griffiths (from ECan) and provided the following commentary from my s42A report:¹

¹ At paragraphs 7.38.5 and paragraphs 7.38.17 to 7.38.18

“ECan [183.28] considers that the areas identified as potentially subject to flooding are too narrow. ECan seeks to amend the planning maps to encompass a wider area that is potentially subject to flood hazard risk. ECan did not provide proposed amendments to the planning maps in its submission, however the proposed amended flood assessment overlay is contained in the memo provided by Mr Griffiths (Science Team Leader, Natural Hazards at ECan) attached as Appendix 8 and copied below. For clarity, this revised overlay includes the Sea Water Inundation Overlay, thereby creating a single overlay that recognises flood risk from all sources of flooding.

Figure - Mapping of areas where the potential for flooding may exist, and the notified district plan ‘flood assessment area’ overlay (Source: Memo from Mr Griffiths dated 28 February 2025)



Regarding ECan's [183.28] submission, as set out in the memo of Mr Griffiths (contained in Appendix 8) ECan has provided the Council with a new flood assessment overlay (excluding the urban areas of Timaru and Geraldine) that is more comprehensive and extensive than the notified overlay. Mr Griffiths considers that the notified overlay does a reasonable job of identifying parts of the district that could be susceptible to flooding from major rivers and streams, but does not account for potential flooding from smaller streams or drains, or surface flooding from rainfall runoff. Mr Griffiths notes that the approach used to produce the mapping for TDC is

very similar to that used to produce mapping for the Kaikoura, Waimakariri, Selwyn, Mackenzie, and Waimate district plans.

...

Turning to the urban areas of Timaru, in his evidence in response to ECan [183.28], Mr Kemp has recommended updating the Flood Assessment Area Overlay for the Timaru urban area on the basis that new more accurate modelling has been obtained (see his Background and Reasons for Change sections and the Maps in his Appendix 1 showing the notified and amended Flood Assessment Overlays) and because ECan does not support utilising out-of-date modelling. Mr Kemp identifies changes between the notified and revised Flood Assessment Overlay for the Timaru urban area (paragraph 15), identifying that across this area, the total rating units impacted by the notified Flood Assessment Area Overlay equated to 6,986 ratable units, whereas under the revised overlay, the number of rateable units impacted decreases to 6,604 (a decrease of 382 properties).

In my opinion the PDP should utilise the most up-to-date accurate modelling for generating the overlay extent, and based on Mr Kemp's advice, recommend that the Flood Assessment Area Overlay for the Timaru urban area is updated. This will result in a reduced number of properties affected and therefore is more efficient and effective. For clarity, this updated urban area is included at a broad scale in the map provided in Mr Griffiths' memo for ECan and in more detail in Mr Kemp's evidence (in his Appendix 1). The scope for this Timaru urban area change is provided by ECan [183.28] which sought wholesale amendments to the overlay, together with Kāinga Ora [229.39] which sought the deletion of the Flood Assessment Area Overlay in its entirety (along with all other natural hazard overlays) due to the dynamic nature of natural hazards, as well as the submissions seeking site specific changes.

- 1.1.6 Based on the analysis in my primary s42A report, I considered the proposed expanded FAAO was likely to be a more effective and efficient approach than the notified FAAO. However, in the absence of technical evidence supporting the amended overlay in the rural areas I was unable to conclude that at the time. Mr Griffiths (for ECan) subsequently provided technical evidence (dated 9 April 2025), supporting the expanded FAAO.
- 1.1.7 Correspondingly, in my natural hazards s42A Summary Statement (dated 23 April 2025), informed by the evidence of Mr Griffith's, I recommended the Panel replace the FAAO with the overlay provided in Mr Griffith's Memo included with my s42A report (at Appendix 8 to that report).
- 1.1.8 Panel Minute 33 (dated 7 May 2025) noted (in paragraph 3) that Counsel for the Timaru District Council (the **Council**) outlined a potential fairness issue which arose from the

submission from ECan.² Paragraph 3 of the Panel Minute then included the following from the legal submission:

“The PDP as notified identified a Flood Assessment Area overlay, which includes areas that are highly likely to be subject to flooding and inundation but which require site-specific assessment to determine the level of risk to people and property. Within this overlay, certain activities require an applicant to obtain a Flood Risk Certificate from the Council which specifies the flood event risk level, the minimum finish floor level required for a building or structure and whether the land is located within an overland flow path.

ECan made a submission [183.28] seeking an expansion to the overlay however, as noted in the section 42A report and Ms Francis's evidence, did not provide an amended overlay map.

Mr Willis sought further information from ECan as to the extent of the area it considered should be covered by a flood assessment overlay, in August 2024. The Panel will recall that the Natural Hazards chapter was rescheduled from Hearing C to Hearing F, in order to allow sufficient information to be provided by ECan to enable Mr Willis to make a recommendation on its submission.

ECan provided a memorandum from Mr Griffiths on 28 February 2025, which provides a proposed map and sets out the methodology followed in order to produce that map. In preparing the map, ECan (Mr Griffiths) worked with Council officers (Mr Kemp) to review the Flood Assessment Area mapping of the Timaru and Geraldine urban areas, which relies upon modelling of the Council's stormwater network by WSP. It is understood that, given that the stormwater modelling has been updated since the PDP was notified, ECan's position was that the updated modelling should be used.

Mr Willis has concluded that the extension of the Flood Assessment Area likely has merit, but was unable to make a recommendation in the absence of technical evidence. The Council considers it appropriate to rely upon technical evidence provided by ECan in support of its submission, given its responsibilities for hazard management and the significant role it plays in providing technical information to territorial authorities, as set out in Ms Francis' evidence. In light of the evidence now filed for ECan, Mr Willis considers the proposed extension of the overlay to be appropriate. The evidence therefore suggests there is merit in this approach. No parties have opposed it.”

- 1.1.9 In paragraphs 4 to 7 of Minute 33 the Panel noted that Counsel (for the Council) proposed a number of alternatives as to how the Panel might address the risk that some people may not be aware that the ECan submission (which simply requested an extended area), would have included their properties. At the conclusion of the second day of Hearing F, the Chair indicated that the Panel was concerned about the potential that landowners who may now be in the revised areas, would not have reasonably foreseen that they would be impacted. The Panel

² The issue was described in Legal Submissions of Counsel on behalf of the Council – Hearing F, dated 16 April 2025 (paragraph 36-4).

noted that does not predetermine the outcome of the ECan submission point, however the Panel is of the view that those affected should be able to participate by having the opportunity to lodge a further submission. The Panel subsequently directed the Council to publicly notify the updated flooding information for further submissions so those affected by the ECan submission point can have their say. Public notification was to include information illustrating the revised mapping extent, and links to the available relevant information provided in Hearing F so far on the Council website.

1.1.10 Panel Minute 38 (dated 24 June 2025) included the following directions at paragraph 9:

“The Hearing Panel is in receipt of a memorandum of Counsel from Council in response to Minute 33 regarding the notification of the updated Proposed Flood Assessment Area Overlay. The Hearing Panel acknowledges the mapping progress update in the memorandum of Counsel, and accepts the proposed notification process and timeframes in Appendix B, and as follows:

(a) Updated Flood Hazard Assessment Overlay complete by 27 June 2025

(b) ECan review of revised mapping by 4 July 2025

(c) Notification of proposed Flood Hazard Assessment Overlay 17 July 2025

(d) Further submissions close 1 August 2025

(e) Section 42A report to be filed by 5pm on 2 September 2025

(f) Submitter expert evidence is to be filed by 5pm on 16 September 2025

(g) Submitter legal submissions are to be filed by 5pm on 24 September 2025

(h) Hearing I to be held online, from 2 October 2025.”

1.1.11 The Council subsequently notified the updated flooding information for further submissions on 17 July 2005. Fourteen further submissions were received on this matter.

1.1.12 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the further submissions received on the extension of the FAAO, and to make recommendations in response to those further submissions, to assist the Hearing Panel in evaluating the submissions. This report includes Proposed District Plan (**PDP**) amendment recommendations in response to these submissions. All recommended amendments are shown with footnoted references (in **Appendix 1**) to the relevant submitter(s), which identify the scope for each recommended change.

1.1.13 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.