

## Supporting Evidence

1.1.14 The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:

- My primary natural hazards s42A report and subsequent related s42A reports for background and other related material
- The Canterbury Regional Policy Statement (**CRPS**);
- Various chapters within the PDP;
- The technical evidence of Kevin Kemp; and

## Procedural Matters

1.1.15 There are no outstanding procedural matters. At the time of writing this report there have been no pre-hearing meetings.

1.1.16 Consistent with my primary s42A report on flooding matters, the Council is relying on the expert technical evidence of Mr Griffiths from ECan. I have therefore had correspondence with ECan to confirm that his evidence will respond to the further submissions.

## 2. Overview of the Further Submissions

2.1.1 The further submission points addressed in this report are set out in **Appendix 2**. Overall, there were fourteen further submissions on the FAAO.

2.1.2 The further submissions were generally consistent in the issues raised as set out in the table below. These issues are assessed in the 'Analysis and Evaluation of Submissions' section of this report.

ISSUE NAME	SUMMARY OF ISSUE	POSITION OF SUBMITTERS
Concerns over the inclusion of specific properties in the FAAO	Some further submitters state that there is no record of flooding at their identified properties and therefore these properties should be excluded from the revised FAAO	Oppose ECan's [183.28] extended FAAO
Concerns over the FAAO approach generally	Some further submitters do not support extending the FAAO to additional areas of the district without more detailed flooding evidence	Oppose ECan's [183.28] extended FAAO
Consequences of the FAAO extension	Some further submitters identify negative consequences from extending the FAAO, such as additional costs and insurance concerns	Oppose ECan's [183.28] extended FAAO

### 3. Relevant Statutory Provisions

3.1.1 The assessment for the PDP includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).
- In addition, assessment of the PDP must also have regard to:
- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

### 4. Statutory Instruments

4.1.1 The s32 report for the topic covered in this report set out the statutory requirements and relevant planning context. Given this, I have not repeated the relevant provisions from the higher order planning framework here.

### 5. Analysis and Evaluation of Further Submissions

#### Approach to Analysis

5.1.1 I have structured this report by grouping together the Blandswood area submissions, and grouping the remaining submissions that made both site specific comments and other more general comments.

5.1.2 I have considered the submissions that are seeking changes to the PDP in the following format:

- Matters raised by the further submitters;
- Analysis;
- Conclusions and recommendations, including recommended amendments to the PDP (note: to avoid confusion, the PDP changes in the recommendations section only identify the recommended changes resulting from the specific analysis, i.e.

previously recommended changes in my primary s42A report resulting from other submissions are not identified, but these are identified in **Appendix 1**); and

- A S32AA evaluation where relevant, and at a level of detail appropriate to the changes being proposed.

- 5.1.3 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
- 5.1.4 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.
- 5.1.5 The changes recommended in response to the further submissions are collated and shown in **Appendix 1**. The changes as a result of the recommendations contained in this s42A report are identified in blue font to distinguish these from previously recommended changes.

#### Matters to be considered in other reports

- 5.1.6 As the submissions are limited to the FAAO, there are no further submissions that need to be considered in other reports.

## 6. Flood Assessment Area Overlay Further Submissions

#### Blandswood area further submissions

- 6.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Aaron Carson	8.1FS
Scott Jensen	67.1FS
Gregory A. and Vivienne L Wilkinson	144.1FS
Christine Purdie	290.1FS
Blandswood Residents Association	292.1FS

#### Submissions

- 6.1.2 Aaron Carson [8.1FS], Scott Jensen [67.1FS] and Christine Purdie [290.1FS] seek to disallow ECan's submission in part and exclude specified sites in Blandswood as these are on elevated land. Gregory A. and Vivienne L Wilkinson [144.1FS] seek to clarify the implications of being included within the revised FAAO.

- 6.1.3 The Blandswood Residents Association [292.1FS] states that they have no knowledge or information on the revised FAAO ramifications if it is adopted by the Council and consider they need comprehensive information on building consent, property valuation and RMA requirements and changes. The submitter requests that if adopted, they wish to be heard or represented, armed with more detail on all changes and charges. While it is not clear from the further submission, I interpret this to mean that the submitter seeks this detail prior to the hearing.

### **Analysis**

- 6.1.4 Regarding the further submissions by Aaron Carson [8.1FS], Scott Jensen [67.1FS] and Christine Purdie [290.1FS], these raise site specific issues in relation to the flood mapping. I understand ECan (Mr Griffiths) will be reviewing these submissions and providing evidence as to whether the identified properties are potentially subject to flooding or not.<sup>3</sup> As I am not an expert on the technical matters of flood assessments and the Council is relying on ECan to provide technical flooding expertise, I am not able to recommend whether these further submissions should be accepted or rejected. I anticipate that I will be able to provide a recommendation after reviewing ECan's evidence in response to these further submissions.
- 6.1.5 Whilst I am not able to provide a definitive recommendation on the submitters' further submissions, if as part of assessing and responding to the further submissions Mr Griffiths determines the submitters' sites are not potentially subject to flooding, then in my opinion, these sites should be removed from the FAAO. The approach to the FAAO is that sites within the FAAO might flood and a detailed assessment is required to confirm the flood hazard. Therefore, if upon closer inspection specific sites are demonstrated to not be susceptible to flooding, then in my opinion they should be removed from the FAAO at the PDP mapping stage.
- 6.1.6 Regarding the Gregory A. and Vivienne L Wilkinson [144.1FS] further submission and the Blandswood Residents Association further submission [292.1FS], the RMA-related implications of this change were addressed in my primary s42A report (paragraphs 7.38.6 to 7.38.18). I also address these matters later in this report, beginning at paragraph 6.1.20. In addition, both Mr Griffiths<sup>4</sup> and Ms Francis<sup>5</sup> provided evidence for ECan (in support of ECan's FAAO submission [183.28]), covering the justification and consequences of adopting an extended FAAO. For ease, I have referred to the relevant parts of their evidence below.
- 6.1.7 Mr Griffiths stated his updated mapping was more comprehensive and extensive than the notified FAAO (paragraph 24) and that using this mapping will reduce the likelihood of buildings being constructed with an insufficient standard of flood mitigation (paragraph 26). He considered defining the extent of any flood overlay used to trigger associated district plan provisions is a balancing act between capturing as many areas as possible that are potentially

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<sup>3</sup> In his evidence contained in Appendix 3, Mr Kemp has confirmed that these sites do not relate to mapping changes that the Council has been involved with (paragraph 5).

<sup>4</sup> At paragraphs 23 to 33 of his evidence dated 9 April 2025

<sup>5</sup> At paragraphs 38 to 47 of her evidence dated 9 April 2025

susceptible to flooding, whilst avoiding as many areas as possible that are not (paragraph 27). In particular, I note the following from his evidence (at paragraphs 28 to 31):

*“28. The nature and scale of the mapping means it is inevitable that some areas of the district that are susceptible to flooding will not be included in the overlay, while other areas that are not susceptible to flooding will be. For example, a site adjacent to a small stream in the foothills may be subject to flooding, but not included in the overlay. Conversely, a site located on a slight ridge of relatively high ground on the plains may not be subject to flooding, but would be included in the overlay.*

*29. Attempting to avoid these situations from arising would either require adoption of a more conservative overlay (to ensure no sites are ‘missed’) or significant further investment in highly detailed modelling and mapping (to ensure no sites are unnecessarily ‘caught’).*

*30. The extent of the overlay requires a trade-off between ensuring that new buildings are not inadvertently built in high hazard areas, or with floor levels below design flood levels (which could happen if the overlay is not extensive enough), and ensuring that the building process is not unnecessarily onerous for people building in areas that are not susceptible to flooding.*

*31. Considering the potential costs associated with both ‘over-capture’ and ‘under-capture’ (and potential costs of avoiding any over-capture through detailed modelling and mapping) I consider that the revised overlay strikes a reasonable balance between these competing values. Of note is the use of detailed modelling as the basis for mapping in the Timaru and Geraldine urban areas where the impact of over-capture would be more pronounced than in most other parts of the district.”*

- 6.1.8 In summary, Ms Francis considered that mapping is an effective tool to identify areas of land that are potentially subject to flooding and can assist councils to give effect to the policies in the CRPS that require the avoidance or mitigation of risk associated with new subdivision, use and development in these areas, but considered that this approach is only effective if the flood overlay is up to date (paragraph 39). Ms Francis considered that if some areas that are identified as having potential to flood are not shown on the FAAO, it reduces the ability to avoid new subdivision, use and development in accordance with the CRPS policy framework (paragraph 40). Including additional properties in the revised FAAO allows the property owners to make informed decisions about subdivision, use and development and that while there is a cost to this, the cost is low in comparison to the investment made in any new building that may be subject to flooding and the potential cost associated with a building being flooded (paragraph 44). Ms Francis considered on balance that the extended mapping supplied by Mr Griffiths should be used as the basis for the FAAO (paragraph 47).

### **Conclusions and recommendations**

- 6.1.9 I am unable to provide a final recommendation at this time on the further submissions of Aaron Carson [8.1FS], Scott Jensen [67.1FS], Gregory A. and Vivienne L Wilkinson [144.1FS], Christine Purdie [290.1FS] and the Blandswood Residents Association [292.1FS] (as set out in

**Appendix 2).** I anticipate I will be able to provide a recommendation on these further submissions after reviewing ECan's evidence in response to these further submissions, and that this will be provided in my s42A Summary Statement or S42A Interim Reply.

#### **Other further submissions on individual properties and the revised FAAO generally**

6.1.10 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Federated Farmers	182.17FS
EJAPS Limited and Panguna Ltd	283.1FS
Stephen Caswell	284.1FS
William McCook	285.1FS
Graham Carr Trust	288.1FS
Thatcher Farming Limited	289.1FS
MT Trust	291.1FS
South Canterbury Chamber of Commerce	286.1FS
Toni Morrison and Nathan Hole	287.1FS

#### **Submissions**

6.1.11 Federated Farmers [182.17FS] seek to disallow ECan's submission as some of the new areas identified/mapped have never flooded and are not likely to flood.

6.1.12 EJAPS Limited and Panguna Limited [283.1FS] seek to disallow in part ECan's submission as the enlarged flood risk areas include land that is at no risk of ever flooding given their distance from any river, stream or ephemeral waterway, including large areas of the submitter's property. The submitter considers the revised mapping could result in higher insurance premiums, increased rates costs and higher building costs, amongst other things. The submitter seeks to correct the flood risk areas to include only land that is actually at risk of flooding and exclude those with no risk of flooding, taking into account proximity to waterways, the size of any catchment areas, the slope and elevation of the surrounding land.

6.1.13 Stephen Caswell [284.1FS] seeks to disallow ECan's submission in part as the revised FAAO unrealistically affects hundreds of properties across the District, including the submitter's property and includes observations that flood waters have never encroached on any part of their property, as well as LiDAR information for the submitter's site. The submitter considers the flood assessment area requires further revision (utilising the available LiDAR data for the district and applying more realistic parameters) to more accurately reflect the true potential flood-prone areas, and that it is unfair that landowners affected have not been reasonably advised of the effects on their land by this late amendment. Mr Caswell considers that: adopting the proposed FAAO in its current form does not accurately reflect the true lay of the land; overestimates the extent of potential flooding by far too much; will hinder development; increase costs for landowners; require Flood Hazard Impact Assessments; have insurance implications; and generally unfairly penalise those unnecessarily affected.

- 6.1.14 William McCook [285.1FS], Graham Carr Trust [288.1FS], Thatcher Farming Limited [289.1FS] and MT Trust [291.1FS] seek to disallow ECan's submission and retain the originally notified FAAO. The submitters consider the ECan submission lacks sufficient detail to determine if the proposed expanded flooding hazard risk areas are sensible. They consider it is important to recognise the costs and benefits of plan changes, including potential impacts on property values, likely increased insurance premiums or refusal of insurance, and the cost and time needed to undertake flood risk assessments. The submitters consider no cost benefit assessment has been made and the proposed increased FAAO affects thousands of properties. The submitters consider the draft plan's original FAAO appeared to be more logically linked to areas where flooding is likely, and these should be retained at least until some defined criteria is developed to define an area where Flood Risk Assessments are needed, a cost benefit study is undertaken, and individual landowners are consulted by direct contact.
- 6.1.15 The South Canterbury Chamber of Commerce [286.1FS] seeks to disallow ECan's submission as this expansion has serious implications for business and property owners and could be detrimental to the future development of Timaru. The submitter also raises concerns in the interest of natural justice, particularly when this decision affects people's rights, obligations and interests, and notes the implication of this assessment is far reaching as it would be disclosed on any new LIM Reports. The submitter considers insufficient consultation has taken place and that both business/ building owners and homeowners are unaware of these changes being recommended. The submitter requests the Council evaluates whether ECan's approach across Canterbury and specifically in this instance in Timaru is site specific and valid. The submitter also seeks to understand whether this is a desk-based assessment and seeks clarification on the likelihood of such floods occurring (in relation to return period).
- 6.1.16 Toni Morrison and Nathan Hole 287.1FS seek to disallow ECan's submission in part, stating that the revised assessment now covers a significant part of their property and appears to cover areas that have not flooded previously, suggesting there seems to have been a buffer applied to the mapping. The submitters consider there appears to have been no consideration given to the related PDP rules that will now apply to much larger areas that were not anticipated when the PDP was notified and refer to NH-R1 (earthworks) which requires that to be permitted, both performance standards must be complied with and one of these requires a Flood Assessment Certificate to be obtained from the Council in accordance with NH-S1. The submitters state the current fee for this is \$1200, which is a significant cost for what is ostensibly a permitted activity, and will capture any scale or type of earthworks, even minor or routine works and now apparently applies over a large area of their farm. The submitters note it is not clear from the permitted rule whether this further assessment that is required from the Council will be approved and this raises issues of certainty for those undertaking earthworks.
- 6.1.17 The submitters state that if a certificate is not obtained, then a consent will be required and that the deposit fees alone are currently \$1,800, not including an additional monitoring fee. The submitters also note the s42A report appears to conclude that the cost of a Flood Assessment Certificate is in the order of \$150-200 but this relates to the cost of a Flood Assessment Certificate from ECan, however that this is not what the rule requires and the

Council fees are much higher. The submitters consider this is of significant concern for no apparent additional benefit, and will impact many rural landowners and that the effect of the overlay as it relates to the rules should be subject to further consideration and amendment - if the FAAO is considered appropriate, changes should be made to the rules to ensure appropriate thresholds are set for rural activities such as earthworks, as a minimum so they do not require flood hazard certification from the Council.

### **Analysis**

- 6.1.18 Regarding the site-specific components of the submissions from EJAPS Limited and Panguna Limited [283.1FS] and Stephen Caswell [284.1FS], consistent with my response to the further submitters considered earlier in paragraph 6.1.4, I understand ECan will be reviewing these submissions and that Mr Griffiths will be providing evidence as to whether the identified properties are potentially subject to flooding or not. As I am not an expert on the technical matters of flood assessments and the Council is relying on ECan to provide technical flooding expertise, I am not able to recommend whether these further submissions should be accepted or rejected at this time. I anticipate I will be able to provide a recommendation after reviewing ECan's evidence in response to these further submissions.
- 6.1.19 Regarding the various comments querying the accuracy of the mapping generally due to including areas that have never flooded, I understand that Mr Griffiths will also address this as part of his evidence in support of ECan's [183.28] submission.
- 6.1.20 Regarding insurance issues, in his evidence (attached at **Appendix 3**) Mr Kemp states that the wider changes to the maps and the approach submitted by ECan has altered the intent of the overlay through capturing a wider area that has not been subject to detailed modelling (paragraph 6). As I understand it, the key change from the notified FAAO is that the revised FAAO identifies properties that may be subject to flooding, whereas the notified version identifies properties that are highly likely to flood. Both FAAO versions require a site-specific assessment to determine the level of risk to people and property. Accordingly, I consider the definition of "Flood Assessment Area" in the PDP should be amended as a consequential change under ECan [183.28] to be consistent with the change in approach to the FAAO and I note Mr Kemp also recommends this change in his evidence (paragraphs 6 and 7). With this change in definition, I consider it unlikely that the FAAO will have direct insurance implications as the revised FAAO does not identify areas highly likely to flood and I also understand that insurance companies utilise their own data when determining risk.
- 6.1.21 Regarding concerns over LIMs, I understand that the revised FAAO, if made operative, would be identified on LIMs. However, consistent with my recommended change to the "Flood Assessment Area" definition, the LIM notation would likely not state that a site is subject to flooding, rather that it may flood. I understand that Mr Griffiths has experience with this matter and will also address this in his evidence in support of ECan's [183.28] submission.
- 6.1.22 Regarding concerns over the cost benefit assessment and any implications for business and property owners, and specifically increased compliance and build costs, impacts on property values, and the cost and time needed to undertake flood hazard assessments, noting my

comments and recommendation above, in my opinion the main implication for the further submitters from the change to the FAAO is that more properties will require a Flood Assessment Certificate if the owners are seeking to erect a natural hazard sensitive building (under NH-R4).<sup>6</sup>

- 6.1.23 Within rural areas where ECan will provide the site-specific flood hazard assessment, I understand the assessment will cost approximately \$150 to \$200. In my opinion, if, as a result of the Flood Assessment Certificate requirement, the design of natural hazard sensitive buildings needs to change to reduce flood risk, then this is actually a beneficial outcome for the landowner and the wider community, noting that a large proportion of these properties may not be in the process of being further developed. The alternative is that natural hazard sensitive development is unintentionally exposed to flood risk, which I consider is a poor outcome relative to the costs associated with obtaining the site-specific flood hazard assessment and Flood Assessment Certificate. As such, in my opinion the additional potential burden on rural sites that were not previously within the notified FAAO is not significant. In my primary s42A report (paragraph 7.38.14), I noted it was feasible that the extended FAAO could include new properties that are determined to be high hazard areas, where building natural hazard sensitive buildings would be non-complying, however I noted that this was unlikely as the areas of the district that have significant flooding are already captured by the notified FAAO and, in the event that some additional areas are high hazard, identifying this is beneficial given the life and property risks associated with developing in high hazard areas.
- 6.1.24 Turning to the urban areas of the Timaru District (Timaru township, Geraldine, Temuka and Pleasant Point), I understand that the Council will provide the site-specific flood assessment at an average cost of \$1,200. As per the evidence of Mr Kemp provided with my primary s42A report,<sup>7</sup> Mr Kemp recommended updating the FAAO for the Timaru urban area on the basis that new more accurate modelling has been obtained<sup>8</sup> and because ECan does not support utilising out-of-date modelling. Mr Kemp identified changes between the notified and revised FAAO for the Timaru urban area (paragraphs 15 and 16), identifying that across this area, the total rating units impacted by the notified FAAO equated to 6,986 ratable units, whereas under the revised FAAO, 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, I recommend that the FAAO for the Timaru urban area is updated. This will result in a more accurate FAAO that covers a reduced number of properties and is therefore more efficient and effective than the notified FAAO.
- 6.1.25 Regarding the concerns of Toni Morrison and Nathan Hole [287.1FS], the notified earthworks provisions in NH-R1 have been amended and no longer require a Flood Assessment Certificate

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<sup>6</sup> The rules which rely on the FAAO are: NH-R4 covering natural hazard sensitive activities; NH-R3 for natural hazard mitigation works; NH-R5 and NH-R6 for Regionally Significant Infrastructure; and SUB-R5 for subdivision.

<sup>7</sup> As set out in paragraphs 7.38.17 and 7.38.18 of my s42A report dated 25 March 2025.

<sup>8</sup> As set out in Mr Kemp's Background and Reasons for Change sections of his evidence and the Maps in his Appendix 1, showing the notified and amended Flood Assessment Overlays.

to be obtained. In my opinion this is consistent with the further submission's request for rule changes to ensure appropriate thresholds are set for rural activities such as earthworks, so they do not require flood hazard certification from the Council. Regarding the cost of site-specific assessments and who prepares these, as indicated earlier, I understand that in the urban areas of Timaru, Temuka, Geraldine and Pleasant Point the assessment will be undertaken by the Council, while in rural areas these will be undertaken by ECan.<sup>9</sup> It is the Council as the regulator that will always issue the Flood Assessment Certificate under the PDP. I also understand that over time there may be changes in who holds the relevant information and modelling and therefore who undertakes the site-specific assessment. I appreciate that this is not clear in the PDP, however NH-S1 Note 2 states that guidance on how to obtain a Flood Assessment Certificate is available on the Council's website and this information will clarify who undertakes the site-specific assessment and issues the Flood Assessment Certificate. On balance, I recommend including clarification on this matter in NH-S1 Note 2 as set out in my recommendations.<sup>10</sup> I also consider further minor changes are required to NH-S1.2 to clarify that the Flood Assessment Certificate relies on a site-specific flood assessment and existing climate change information.

- 6.1.26 Regarding natural justice issues, I appreciate the concerns raised by the further submitters, however I note that the Panel has notified ECan's [183.28] submission for further submissions, thereby providing the opportunity for involvement in this matter. I also note that the District Plan itself and the Natural Hazards Chapter have been extensively consulted on and that the Panel has scope to consider related rules which rely on the FAAO as firstly, these have been submitted on by other submitters and secondly, within scope consequential amendments could be made as a result of the revised FAAO.

### **Conclusions and recommendations**

- 6.1.27 Whilst I generally consider that the extension of the FAAO is justified (as set out earlier at para 1.1.5), without technical evidence I am unable to provide a final recommendation on the further submissions of Federated Farmers [182.17FS], EJAPS Limited and Panguna Limited [283.1FS], Stephen Caswell [284.1FS], William McCook [285.1FS], Graham Carr Trust [288.1FS], Thatcher Farming Limited [289.1FS], MT Trust [291.1FS], South Canterbury Chamber of Commerce [286.1FS] and Toni Morrison and Nathan Hole [287.1FS] (as set out in **Appendix 2**). I anticipate I will be able to provide a recommendation after reviewing ECan's evidence in response to these further submissions.

- 6.1.28 Amend the definition of "Flood Assessment Area" as follows:

Flood Assessment Area: means areas that ~~may 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.

- 6.1.29 Amend NH-S1 Note 2 as follows:

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<sup>9</sup> I understand these assessments could also be undertaken by a Suitably Qualified and Experienced professional

<sup>10</sup> The scope for this change is provided by Harvey Norman [192.12], who sought clarification of the process

2. The Flood Assessment Certificate is provided by Council, based on the information provided to Council by Timaru District Council Drainage and Water and CRC. An application form and guidance on how to obtain a Flood Assessment Certificate are available on the Council's website.

6.1.30 Amend NH-S1.2 as follows:

2. The matters in (a) to (d) above will be determined by a site-specific flood assessment informed by:

...

c. ~~Will account for~~ the cumulative effects of climate change over the next 100 years (based on the latest national guidance and existing Council information) and all sources of flooding (including fluvial, pluvial, and coastal).

6.1.31 In terms of a s32AA assessment, I consider the recommended definition change is consequential to the change in FAAO mapping recommended as part of my original s42A report. Accordingly, my s32AA assessment in support of that change will also apply to this recommended amendment. Regarding the recommended changes to NH-S1.2 and Advice Note 2, I consider these amendments simply clarify the application of NH-S1 and as such no s32AA assessment is required.

## 7. Conclusions

7.1.1 Further submissions have been received in opposition to the FAAO of the PDP.

7.1.2 Having considered all the further submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP is amended as set out in **Appendix 1** of this report.


7.1.3 Whilst I generally consider that the extension of the FAAO is justified, without technical evidence I am unable to provide a final recommendation on the further submissions received. I anticipate that I will be able to provide a recommendation after reviewing ECan's evidence in response to these further submissions and that this will be provided in my s42A Summary Statement or S42A Interim Reply.

### **Recommendations:**

7.1.4 I recommend that:

- a. the PDP is amended in accordance with the changes recommended in **Appendix 1** of this report; and
- b. the Hearing Commissioners note that I am unable at this time to make final recommendations on the further submissions and will update my recommendations in my s42A Hearing Report Summary or s42A Interim Reply once the evidence of ECan is provided.

**Signed:**

Name and Title		Signature
Andrew Willis Consultant Planner		

## Appendix 1 - Recommended Amendments to the Natural Hazards Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.
- Text recommended to be added or deleted as a result of this s42A report is identified in blue font to distinguish it from previously recommended s42A changes.

*-Amend the definition of "Flood Assessment Area" as follows:*

**Flood Assessment Area:** means areas that ~~may be highly likely to~~<sup>11</sup> be subject to flooding and inundation but which require site specific assessment to determine the level of risk to people and property.

*-Amend NH-S1.2 as follows:*

...

2. The AEP flood event risk level, minimum floor levels, stopbank risk<sup>12</sup> and overland flowpath locations ~~are to~~<sup>13</sup> matters in (a) to (d)<sup>14</sup> above will be determined by a site-specific flood assessment informed by.<sup>15</sup>

...

- C. ~~Will account for~~<sup>16</sup> the cumulative effects of climate change over the next 100 years (based on the latest national guidance and existing Council information) and all sources of flooding (including fluvial, pluvial, and coastal).<sup>17</sup>

*-Amend NH-S1 Note 2 as follows:*

2. The Flood Assessment Certificate is provided by Council, based on the information provided to Council by Timaru District Council Drainage and Water and CRC. An application form and guidance on how to obtain a Flood Assessment Certificate are available on the Council's website.<sup>18</sup>

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<sup>11</sup> ECan [183.28]

<sup>12</sup> ECan [183.50]

<sup>13</sup> ECan [183.50]

<sup>14</sup> Clause 16(2)

<sup>15</sup> Clause 16(2)

<sup>16</sup> Clause 16(2) so clause (c) works better with the chapeau

<sup>17</sup> ECan [183.50], see also the evidence of Mr Griffiths dated 9 April, paragraphs 20 to 22

<sup>18</sup> Harvey Norman [192.12]

Appendix 2 - Recommended responses to further submissions

FS Submitter	FS No.	OS Submitter	Section	Provision	The particular parts of the OS the FS relates	FS Position FS Reasons	Allow or disallow the OS	Details of decision the FS seek	Accept / Reject
Aaron Carson	8.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, sections are on elevated land approximately 8 to 10m above the existing flood plain.	Disallow in Part	Exclude Lots 3 and 7 DP 46155, Blandswood in the revised flood map	TBC
Scott Jensen	67.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, lots are on land elevated above the flood plain	Disallow in Part	Exclude Lots 13 and 14 DP 6214, Blandswood in the revised flood map	TBC
Gregory A. and Vivienne L Wilkinson	144.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, our home at 6a Lookout Road Blandswood is situated within the revised flood potential area and we do not understand the implications of this.  The revised flood map includes several Blandswood properties that are not included in the flood plain area included in the current district plan under Recreation Zone 1A.	Disallow in Part	We would like clarity about the implications of being included within the revised potential flood area. This includes our on their property at 6A Lookout Road, Blandswood and the broader Blandswood/Peel Forest Area.	TBC
Federated Farmers	182.17FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, some of the new areas identified/mapped have never flooded and are not likely to flood	Disallow	Do not add the additional identified/mapped areas	TBC
EJAPS Limited and Panguna Limited	283.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, these enlarged flood risk areas include land that is at no risk of ever flooding given their distance from any river, stream or ephemeral waterway. For example, large areas of our farm have been deemed a flood risk when they are 30m above the Opuha and Opihi rivers and up to 500m away from any other waterway. Should these areas be deemed at flood risk, they could result in higher insurance premiums, increased rates costs and higher building costs amongst other things.	Disallow in Part	Correct the flood risk areas to include only land that is actually at risk of flooding and exclude those with no risk of flooding.  This needs to take into account proximity to waterways, the size of any catchment areas, the slope and elevation of the surrounding land	TBC
Stephen Caswell	284.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, the revised Flood Assessment Area proposal unrealistically includes numerous rural properties in our district, including my own at 74 Rosewill Valley Road, Timaru. This assessment area requires further revision to more accurately reflect the true potential flood-prone areas, and it is unfair that landowners affected have not been reasonably advised of the effects on their land by this late amendment.  The revised Flood Assessment Areas affects hundreds of properties across our District so the example of my property is merely one example I can highlight with authority. Having owned property here for over twenty years, I have considerable experience with high rainfall events and their effects. The water flows have never exceeded the capacity of the culvert under the road, preventing any overflow onto the road in this area. During extreme weather events, a small creek, approximately five meters wide, may form, but it only reaches a depth of 400-500mm. Consequently, it has never encroached on any part of my property, which is situated 1.5 to 5.5 meters above the gully that channels the runoff.  The proposed Flood Assessment Area also includes properties on the opposite side of Rosewill Valley Road, which are at an even higher elevation. I have attached a plan featuring half-meter contour lines extracted from LiDAR data illustrating this, and with over 30 years of experience as a GIS specialist, I am well qualified to analyse LiDAR data and draw accurate conclusions.  Adopting the proposed Flood Assessment Area in its current form does not accurately reflect the true lay of the land and overestimates the extent of potential flooding by far too much. This	Disallow in Part	Enhance the accuracy of the proposed Flood Assessment Area. I recommend utilising the available LiDAR data for the district and applying more realistic parameters to rural areas of our district. This approach will yield a flood assessment area that more closely mirrors potential outcomes during extreme weather events.	TBC

						approach will hinder development, increase costs for landowners, require Flood Hazard Impact Assessments, have insurance implications, and generally unfairly penalize those unnecessarily affected.			
William McCook	285.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	<p>Oppose, the ECan submission lacks sufficient detail to determine if the proposed expanded flooding hazard risk areas are sensible. Further, their submission mixes up the Selwyn and Timaru District Councils, and clearly hasn't been prepared with sufficient care or attention to detail. The submission merely states "We consider that the areas potentially subject to flooding are too narrow".</p> <p>Further on ECan's website <a href="https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently">https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently</a>. They merely state that they "undertake flood modelling across the region" but there is no criteria for what may constitute an area where a flood risk assessment is appropriate.</p> <p>It is important to recognise that there are costs and benefits which need to be assessed in any plan change, including the imposition of designating properties in flood assessment areas. Costs include potential impact on property values, likely increased insurance premiums or refusal of insurance, and the cost and time needed to undertake flood risk assessments. No cost benefit assessment has been made and the proposed increased Flood Risk Assessment Area affects thousands of properties. This is further justification for the proposed amendment by ECan to be ignored.</p> <p>The draft plan's original Flood Risk Assessment areas appeared to be more logically linked to areas where flooding is likely, and these should be retained at least until some defined criteria is developed to define an area where Flood Risk Assessments are needed, a cost benefit study is undertaken, and individual landowners are consulted by direct contact.</p>	Disallow	Retain the original proposed flood risk assessment areas, and ignore the submission by ECan to expand them.	TBC
South Canterbury Chamber of Commerce	286.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	<p>Oppose, this expansion has serious implications for business and property owners and could be detrimental to the future development of Timaru.</p> <p>We raise concerns in the interest of natural justice particularly when this decision affects people's rights, obligations and interests. Insufficient consultation has taken place.</p> <p>Both business/ building owners and home owners are unaware of these changes being recommended. In fact Senior TDC staff were even unaware of these changes.</p>	Disallow	<p>Our request is that the Timaru District Council submits on these proposed changes and evaluates whether Ecan's approach across Canterbury and specifically in this instance in Timaru is site specific and valid.</p> <p>We also seek to understand whether this is a desk-based assessment and seek clarification on the likelihood of such floods occurring. Is this a 1 in 200-year event?</p> <p>The implication of this assessment is far reaching and we understand would be disclosed on any new LIM Reports.</p>	TBC
Toni Morrison and Nathan Hole	287.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	<p>Oppose, we understand that Ecan submitted that the planning maps be amended to encompass wider areas 'potentially subject to flood hazard risk'. They subsequently provided an updated flood hazard area assessment overlay map which includes a much larger extent on many properties. None of our property was originally identified as being subject to the flood hazard overlay and therefore we did not consider the effects of the rules associated with this overlay. The revised assessment now covers a significant part of our property and appears to cover areas that have not flooded previously. There seems to have been a buffer applied to the mapping.</p> <p>There appears to have been no consideration given to the attached rules that will now apply to much larger areas that were not anticipated when the proposed Plan was notified.</p>	Disallow in Part	<p>Rule NH-R1 (Earthworks) provides for earthworks in the flood assessment area overlay as a permitted activity. However for the activity to be permitted, both performance standards must be complied with. One of these requires a flood risk certificate to be obtained from TDC in accordance with NH-S1. The current fee for this is \$1200. This is a significant cost for what ostensibly is a permitted activity, and will capture any scale or type of earthworks, even minor or routine works. It is now apparently to apply over a large area of our farm.</p> <p>It is not clear from the permitted rule whether or not this further assessment that is required from TDC will be approved. This raises issues of certainty for those undertaking earthworks. If a certificate is not obtained then a consent will be required. The deposit</p>	TBC

								<p>fees alone are currently \$1,800, not including an additional monitoring fee which is also charged regardless of whether the activity is monitored.</p> <p>We note the s42A report appears to conclude that the cost of a flood assessment certificate is in the order of \$150-200. We understand this to relate to the cost of a Flood Hazard Assessment certificate from ECan, but that is not what the rule requires. The TDC fees are much higher. This is of significant concern for no apparent additional benefit, and will impact many rural landowners.</p> <p>We consider that the effect of the overlay as it relates to the rules should be subject to further consideration and amendment. If the overlay is considered appropriate, changes should be made to the rules to ensure appropriate thresholds are set for rural activities such as earthworks, as a minimum so they do not require flood hazard certification from TDC.</p>	
Graham Carr Trust	288.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	<p>Oppose, the ECan submission lacks sufficient detail to determine if the proposed expanded flooding hazard risk areas are sensible. Further, their submission mixes up the Selwyn and Timaru District Councils, and clearly hasn't been prepared with sufficient care or attention to detail. The submission merely states "We consider that the areas potentially subject to flooding are too narrow".</p> <p>Further on ECan's website <a href="https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently">https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently</a>. They merely state that they "undertake flood modelling across the region" but there is no criteria for what may constitute an area where a flood risk assessment is appropriate.</p> <p>It is important to recognise that there are costs and benefits which need to be assessed in any plan change, including the imposition of designating properties in flood assessment areas. Costs include potential impact on property values, likely increased insurance premiums or refusal of insurance, and the cost and time needed to undertake flood risk assessments. No cost benefit assessment has been made and the proposed increased Flood Risk Assessment Area affects thousands of properties. This is further justification for the proposed amendment by ECan to be ignored.</p> <p>The draft plan's original Flood Risk Assessment areas appeared to be more logically linked to areas where flooding is likely, and these should be retained at least until some defined criteria is developed to define an area where Flood Risk Assessments are needed, a cost benefit study is undertaken, and individual landowners are consulted by direct contact.</p>	Disallow	Retain the original proposed flood risk assessment areas, and ignore the submission by ECan to expand them.	TBC
Thatcher Farming Limited	289.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	<p>Oppose, the ECan submission lacks sufficient detail to determine if the proposed expanded flooding hazard risk areas are sensible. Further, their submission mixes up the Selwyn and Timaru District Councils, and clearly hasn't been prepared with sufficient care or attention to detail. The submission merely states "We consider that the areas potentially subject to flooding are too narrow".</p> <p>Further on ECan's website <a href="https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently">https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently</a>. They merely state that they "undertake flood modelling across the region" but there is no criteria for what may constitute an area where a flood risk assessment is appropriate.</p> <p>It is important to recognise that there are costs and benefits which need to be assessed in any plan change, including the imposition of designating properties in flood assessment areas. Costs include</p>	Disallow	Retain the original proposed flood risk assessment areas, and ignore the submission by ECan to expand them.	TBC

						<p>potential impact on property values, likely increased insurance premiums or refusal of insurance, and the cost and time needed to undertake flood risk assessments. No cost benefit assessment has been made and the proposed increased Flood Risk Assessment Area affects thousands of properties. This is further justification for the proposed amendment by ECan to be ignored.</p> <p>The draft plan's original Flood Risk Assessment areas appeared to be more logically linked to areas where flooding is likely, and these should be retained at least until some defined criteria is developed to define an area where Flood Risk Assessments are needed, a cost benefit study is undertaken, and individual landowners are consulted by direct contact.</p>			
Christine Purdie	290.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose, lots are on land elevated above the flood plain.	Disallow in Part	Exclude Lots 1 and 2 DP 10398 Blandswood in the revised flood map.	TBC
MT Trust	291.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	<p>Oppose, the ECan submission lacks sufficient detail to determine if the proposed expanded flooding hazard risk areas are sensible. Further, their submission mixes up the Selwyn and Timaru District Councils, and clearly hasn't been prepared with sufficient care or attention to detail. The submission merely states "We consider that the areas potentially subject to flooding are too narrow".</p> <p>Further on ECan's website <a href="https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently">https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/what-weknow/natural-hazards/floodhazards#:~:text=the%20Orari%20River-,Climate%20change,expected%20to%20occur%20more%20frequently</a>. They merely state that they "undertake flood modelling across the region" but there is no criteria for what may constitute an area where a flood risk assessment is appropriate.</p> <p>It is important to recognise that there are costs and benefits which need to be assessed in any plan change, including the imposition of designating properties in flood assessment areas. Costs include potential impact on property values, likely increased insurance premiums or refusal of insurance, and the cost and time needed to undertake flood risk assessments. No cost benefit assessment has been made and the proposed increased Flood Risk Assessment Area affects thousands of properties. This is further justification for the proposed amendment by ECan to be ignored.</p> <p>The draft plan's original Flood Risk Assessment areas appeared to be more logically linked to areas where flooding is likely, and these should be retained at least until some defined criteria is developed to define an area where Flood Risk Assessments are needed, a cost benefit study is undertaken, and individual landowners are consulted by direct contact.</p>	Disallow	Retain the original proposed flood risk assessment areas, and ignore the submission by ECan to expand them.	TBC
Blandswood Residents Association	292.1FS	Canterbury Regional Council (Environment Canterbury)	NH- Natural Hazards	Flood Hazard Assessment Overlay	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.	Oppose.	Disallow	While Ecan is at this time "in Limbo" we have no knowledge or information of its ramifications if it is adopted by Council. If this overlay is adopted we need comprehensive information on building consent, property valuation and RMA requirements and changes. Also if adopted we wish to be heard or represented armed with more detail on all changes and charges.	TBC

**Appendix 3 – Evidence of Kevin Kemp on the Revised Flood Assessment Area Overlay**