

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED TIMARU DISTRICT PLAN**

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of the Proposed Timaru District Plan

AND

IN THE MATTER of Hearing I: Natural Hazards Further Submissions

**STATEMENT OF EVIDENCE OF DEIDRE FRANCIS ON BEHALF
OF THE CANTERBURY REGIONAL COUNCIL**

Hearing I: Natural Hazards Further Submissions

16 September 2025

SUMMARY STATEMENT

- 1 The Canterbury Regional Council (**Regional Council**) submission requested amendments to the Flood Assessment Area Overlay (**overlay**). The requested amendments were to increase the extent of the overlay to include other land that is potentially subject to flooding.
- 2 In February 2025, Mr Griffiths, Team Leader Natural Hazards Science, produced a revised overlay for the Proposed Timaru District Plan (**revised overlay**) prior to the: Hazards and Risks (Natural Hazards only) and other District wide matters hearing (**Hearing F**). At that hearing he included information in his evidence to support the adoption of the revised overlay.
- 3 Following Hearing F, the revised overlay was publicly notified, as directed by the Hearings Panel. Fourteen Further Submissions were received.
- 4 My evidence does not address the site-specific concerns raised by the further submitters. As I am not an expert on technical assessment of flood hazards, I rely on the expertise of Mr Griffiths to address these concerns in his evidence.
- 5 I believe the revised overlay is an effective tool to identify areas of land that may be subject to flooding. There is a trade-off between over-capture of areas within the overlay, capturing areas not likely to flood, and under-capture of areas that are likely to flood. Mr Griffiths' Hearing F evidence [28-32] outlines these trade-offs. I agree with Mr Griffiths' analysis.
- 6 Adopting the revised overlay would ensure that proposals to construct hazard sensitive buildings, where they may be exposed to flooding, are subject to a site-specific flood hazard assessment. This process is low cost when compared to the potential damage avoided and provides greater certainty for landowners.
- 7 Finally, I agree with Mr Willis' proposed amendment to the definition of the Flood Assessment Area to clarify that this area applies to areas that '**may**' flood, instead of being 'highly likely' to flood.

INTRODUCTION

- 8 My full name is Deidre Francis. I am a Principal Planner at the Regional Council, a position I have held since August 2022.
- 9 I provided evidence on the overlay for Hearing F, dated 09 April 2025.
- 10 I confirm I have the qualifications and experience set out at [9 – 11] of my evidence for Hearing F.
- 11 I have prepared this further planning evidence on behalf of the Regional Council.

CODE OF CONDUCT

- 12 I repeat the confirmation provided in my evidence dated 09 April 2025 that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Unless I state otherwise, the opinions I express are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 13 Although I am employed by the Regional Council, I am conscious that in giving evidence in an expert capacity that my overriding duty is to the Hearing Panel as an independent planning expert. The recommendations made in this evidence are my own, based on my expertise.

SCOPE OF EVIDENCE

- 14 I have been asked by the Regional Council to provide planning evidence in relation to the Further Submissions on the overlay produced for the Proposed Timaru District Plan (**pTDP**). From a planning perspective, there is little to comment on that was not addressed in Hearing F.
- 15 The Regional Council's interest in the overlay was addressed at [20-21] of my evidence for Hearing F dated 09 April 2025 (**Hearing F Evidence**).
- 16 Following Hearing F, the revised overlay was publicly notified as directed by the Hearing Panel in Minute 33.
- 17 Further submitters made comments concerning specific properties. As I am not an expert in technical assessment of flood hazards, I rely on the

evidence of Mr Griffiths to address the flood hazard for those specific properties.

- 18 The relevant statutory framework remains as described in the Natural Hazards s32 Report. Canterbury Regional Policy Statement (**CRPS**) Chapter 11 is the relevant chapter for Natural Hazards and [24 – 26] from my Hearing F evidence apply to the matters being addressed in Hearing I.
- 19 In preparing my evidence, I have reviewed the following documents and evidence, in addition to those listed at [17] of my evidence for Hearing F. These additional documents are:
 - a. Mr Willis' s42A report for Hearing I;
 - b. The supplementary evidence of Mr Kevin Kemp on behalf of the Timaru District Council (**TDC**);
 - c. The Further Submissions on the revised overlay; and
 - d. The evidence of Mr Nick Griffiths on behalf of the Regional Council.

RESPONSE TO THE S42A REPORT – FLOOD ASSESSMENT OVERLAY

- 20 The Regional Council supported TDC's inclusion of an overlay that triggers relevant plan provisions. However, the Regional Council was concerned that the overlay did not identify all properties with potential to flood. Prior to Hearing F, Mr Griffiths provided a revised overlay which if adopted would extend coverage to an additional 1,655 properties. Following the hearing, the Hearings Panel issued Minute 33, directing the Council to publicly notify the revised overlay for the pTDP. Fourteen Further Submissions were received.
- 21 As I am not an expert in technical flood assessment, I rely on the expertise of Mr Griffiths in assessing whether any specific properties, identified by further submitters, can be removed from the overlay. I note that Mr Willis has not made property-specific recommendations. Instead, he has stated that he is relying on the expertise of Mr Griffiths. However, I note that at [6.1.5] of the s42A report, Mr Willis states that if Mr Griffiths concludes any of these sites are not potentially subject to flooding, they should be removed from the overlay.
- 22 The assessment Mr Griffiths has completed for the relevant further submitters' properties is effectively the same process he would apply if

those landowners had applied to construct a hazard sensitive building on their land. Where that process has determined that the property is not subject to flooding, I consider it is within TDC's discretion to remove the site from the overlay, and I have no objection to that approach.

- 23 Some submitters raised general concerns about the overlay approach. Mr Griffiths outlined the methodology used to produce the mapping for the overlay in a memorandum contained in Appendix 8 of the Section 42A report for Hearing F. At [27] of his evidence for Hearing F, and again in [23] of his current evidence, he referred to the balancing act of capturing as many areas as possible that are potentially susceptible to flooding, whilst avoiding as many areas as possible that are not.
- 24 I agree with Mr Griffiths comments at [28] of his Hearing F evidence. Given the scale of the mapping exercise, it is inevitable that there will be areas that are not subject to flooding that are included and areas that are subject to flooding that are not included. I also agree with his comments at [22] of his current evidence, that more extensive and expensive modelling and mapping would be required to avoid over-capture of areas.
- 25 My opinion remains unchanged from Hearing F. I consider the extended overlay to be an effective tool for identifying land that may be susceptible to flooding. If a property owner intends to construct a hazard sensitive building within the overlay area, a more detailed site-specific assessment of flood hazard is triggered. This process ensures that property owners are better informed about potential risk.
- 26 The \$150 + GST cost of undertaking a flood hazard assessment, in the rural areas, is low in comparison to the investment made in any new hazard sensitive building. This is especially so where an assessment shows that the proposed building may be subject to flooding. Implementation of mitigation measures identified in the assessment can avoid the potential much higher costs associated with a building being flooded. Completion of the flood hazard assessment provides certainty for landowners, insurance companies, and any potential purchasers of properties.
- 27 The overlay approach is an effective and efficient means of giving effect to the policies in the CRPS that require the avoidance or mitigation of risk associated with new subdivision, use and development in areas with potential to flood. However, its effectiveness depends on the overlay and

its associated planning provisions applying to all areas that have the potential to flood.

- 28 Finally, I agree with Mr Willis' conclusion at [6.1.20] of the s42A report, that the definition of the Flood Assessment Area in the notified pTDP incorrectly describes the overlay as identifying properties that are "*highly likely*" to flood. My understanding is that the purpose of the overlay is not to identify the presence of a hazard but to signal areas where the presence or absence of a hazard needs to be determined. I therefore support Mr Willis' recommendation at [6.1.28] to amend the definition to state that the FAA identifies areas that **may** flood.



Deidre Francis

16 September 2025