

Submission to the Ministry for the Environment – *Manatū Mō Te Taiao*



Proposed National Policy Statement for Natural Hazard Decision-Making

20 November 2023

Introduction

The Timaru District Council (Council) thanks the Ministry for the Environment (MfE) for the opportunity to submit on the Proposed National Policy Statement for Natural Hazard Decision-Making (NPS-NHD).

This submission is made by the Timaru District Council, 2 King George Place, Timaru. The submission has been endorsed by Cllr Michelle Pye, the Chairperson of the Environmental Services Committee. The contact person for Council is Nigel Bowen, Mayor of the Timaru District, who can be contacted at Timaru District Council, phone (03) 687 7200 or PO Box 522, Timaru 7940.

The contact persons regarding the submission content are Hamish Barrell, District Planning Manager and Rhys Taylor, Climate Change Advisor, who can be contacted via Hamish.Barrell@timdc.govt.nz or Rhys.Taylor@timdc.govt.nz. We do not wish to speak to this submission.

Natural Hazards in the Timaru District

The Timaru District Council is a local authority in the South Island serving over 48,000 people in South Canterbury. The main settlement is Timaru, with other smaller settlements of Geraldine, Pleasant Point and Temuka.

The District covers 2,737 square kilometres of South Canterbury. Two rivers naturally define our northern and southern boundaries, the Rangitata and Pareora respectively, with the district stretching along the gentle curve of the South Canterbury coastline and inland to the foothills of the Southern Alps. The District also faces the Pacific Sea, which creates a tsunami risk.

The South Island's braided rivers create a unique climate change and infrastructure risk. These require a bespoke solution when considering how these rivers can affect infrastructure and planning requests within the Canterbury region.

The District enjoys a temperate climate and has well-established exporting agricultural and horticultural industries. However, our District is already experiencing the effects of a warming climate, from faster coastal erosion to severe weather events affecting crops and livestock.

The planning needs for the District reflects its uniqueness, and the associated climate change risks.

General comments

Overall, Council is supportive of the Proposed NPS-NHD because it provides an excellent interim arrangement whilst the RMA reforms are implemented. Council supports the proactive position of utilising a hazard risk category to determine forward planning. This will provide the planning authorities with a framework to better align the District Plan with emergency planning and climate change resilience.

Council seeks a way to continue to respond to immediate risks from weather events, and to plan for a more uncertain future, driven by climate change, in which the risks become more frequent, but with sufficient discretion to permit local solutions for local problems.

Council seeks greater guidance about the three categories of risk and what would be considered in each category. We support MfE to define risk thresholds and standardise terms such as “significant hazard risk” and “tolerance”. The current terminology is too ambiguous to be useful or meaningful.

The proposal discusses the appetite for risk to be assessed by each of the planning authorities. Guidance from MfE about benchmark setting would support local authorities when categorising, and to alleviate wayward councils from lowering classifications of risk to subjugate themselves to developers.

Council strongly believes that successfully responding to the challenges posed by natural hazards will require bilateral and ongoing support from Central Government. This reflects the urgent and necessary need for natural hazard decision-making to protect the infrastructure and residents.

Comments on the Proposal

Policy One: Natural hazard risk categories

Council acknowledges that risks can be categorised differently. Emergency management would categorize potential risks higher than, for instance, a developer whose mitigations may be broader than the emergency management approach.

Climate change risks could be considered in a variety of different ways depending on the lens used. For example, buildings are deemed to have a 50-year-old ‘life’; in the planning space

climate change would be considered within that 'life span', but in the climate change space the risks would be considered over a longer period of time. Considering building on an area that had a flood in the 1980's could be deemed low risk as it is unlikely to flood again for 100 years. However, due to the braided rivers found in the South Island, a climate change expert would consider the way that the river embankments and flow has changed over time means that the likelihood of flooding has increased.

The proposal does not weight between the risk and the recovery aspects of the Regional Policy Statement. Council considers that the risk from natural hazards should be emphasized over the recovery aspect, as this reflects the usual principles of risk management to eliminate in the first instance, and mitigate afterwards.

Permitting local authorities to categorise risk based on principles without some objective structure may result in incorrect or expedient classifications.

Policy Two: Assessing natural hazard risks

Council considers the lack of definition or guidelines for the definition of the three categories – high, moderate, or low – of natural hazards is too speculative and lacking in qualitative substances to be meaningful.

When classifying hazards, the level of the population, their distribution and composition, and surrounding infrastructure to support people to evacuate or be safe should be considered. Remediating the risks is also open to interpretation, enabling responses which could range from the sensible to the inappropriate.

For example, in the Timaru District there are pockets of low populations, but the risks are significantly higher than in other areas. Consider the Rangitata Huts, where coastal waters and the river presents a risk; this could be mitigated by raising the houses onto higher platforms. Under the proposed categories this may result in the Rangitata Huts being classified as low risk because they will have dry floorboards.

However, in actuality, if the envisaged flooding occurred, the residents would be cut off from food sources and there would be limited ability for emergency workers to be able to move them to safety. It is also highly likely that they will also be cut off from power sources and have issues with potable and waste water, potentially causing medical emergencies. Similar issues exist in other locations in our district, such as Milford Huts.

To be clear, Council does not seek to limit the options available to it to address hazards to these *existing* properties; risk assessments and consultation with the affected stakeholders may identify a degree of tolerance and sufficient mitigations that are considered acceptable for people already settled, for instance.

We note the importance of any NPS framework taking such matters into account for any *future*, yet-to-be-built properties. Council supports most of 2.2a and b in the proposal; in principle, our preference is to avoid risk for future developments if a less risky alternative is possible, rather than to mitigate it. Importantly to enable the application of this in practice, we believe that local government should be given some discretion in regards to decision making; that Council is empowered to make local solutions to local problems, rather than being required to strictly follow nationally mandated rules.

Areas where there are lower socioeconomic populations have not always been constructed with any other overriding need other than for houses to be constructed cheaply to reflect the level of sale or rent expected. These areas are often lacking in infrastructure to support intergenerational safe housing that is robust and resilient for future climate challenges.

Policy Three: Precautionary approach in decision making

Council wishes to raise the reliance on remediation as a means of defence. Engineered structures, by their nature, fail. This over reliance means that buildings may be built in areas that climate change experts and/or emergency managers would consider to still be high risk because of the likelihood of the structure failing. A planner or building may consider the life of the building, usually around 50 years and consider that the structure also has the same life span so they would rate the risk as low. Climate change experts and emergency managers would consider that the building usually houses people, and that the risk they experience is the relevant risk to focus on.

An over-permissiveness of structures to mitigate or 'remove' risk, such as stopbanks or revetment structures, increases the building opportunities in the 'protected areas'; however, it means that the risks have increased if and when the structure fails.

Ultimately, this highlights the importance of taking a considered approach early in any development process, fully weighing current and future inherent risk when making planning decisions and, if not necessary because the risk can be avoided rather than mitigated, not relying on engineered solutions and mitigations. Council notes that this view - the avoidance of developing in relatively risky areas if a less risky alternative exists - is supported by the Insurance Council.

On a separate note, it is important for the insurance industry and central and local government to hold a relatively common position so that property owners and businesses have clear expectations about insurability or the lack thereof. Council does not want to create moral hazard, or to be liable for compensation when insurance cover is withdrawn.

Council notes with concern the continued build-up of silt and gravel in key rivers and in the proximity of key infrastructure, such as bridges. This issue should be proactively addressed via the removal of the material and/ or the repositioning of stopbanks. The build-up of material increases the likelihood of break-out flooding events as the river has, over time, an

increasingly reduced capacity to safely manage volumes of water. Similarly to coastal erosion, river flooding poses a risk to the community and to our economic activity; our primary sector is particularly exposed to this risk.

Policy Four: Restrictive discretionary and controlled activities

Restrictive discretionary controls, like the definitions, need a national framework to ensure that local authorities have the same base to prevent some areas being seen as 'easier' to gain approval for building.

Having restricted discretionary activity as a classification will assist in achieving the intended outcomes of the proposal. This is going to be particularly important with further reforms expected for the RMA.

This classification will ensure that new builds or building after natural disasters will have the ability to be restricted to ensure there is not a perpetuating cycle of rebuilding in areas that are prone to natural hazards.

Natural hazard risks must be considered for any new development. This approach should be welcomed by industry and local authorities as a sensible response to increasing climate risk for people and infrastructure.

Policy Five: Direction on new development in areas of high, moderate and low risk

Having a clear, consistent approach is warranted given the increase and importance of risks from natural hazards. However, the proposal for having direction on new development in areas of high, moderate, and low risk will require a baseline for each definition to ensure consistency across all of New Zealand.

Climate change disproportionately affects lower socio-economic groups. Overly permissive rules allowing developments in areas exposed to relatively high natural hazard risk exacerbate this because they are often occupied or used by lower socio-economic groups; those groups with greater means and choices will not expose themselves to such risk.

Policy Six: Reducing natural hazard risks through mitigation

In Timaru District, there is the strong likelihood that in some locations, a managed retreat option may need to be used. These are largely in areas where flooding and/or sea-level rise may render these locations uninhabitable and unsafe in the future.

Any managed retreat process should allow for flexibility and enable the input of local knowledge. This recognises that every managed retreat situation will be different and reflect local nuances and complexities.

Council prefers any approach that seeks to avoid risk where possible, i.e. moving houses and people away from riskier areas, rather than seeking to mitigate the risks. This should be a particularly focus for those who reside on coastal and/or riparian areas. However, to repeat an earlier point, these decisions should be made locally and there should be an ability to recognise different risk tolerances when making decisions.

Policy Seven: Recognising and providing for Māori, tangata whenua interests and te Tiriti principles

The principles of te Tiriti, tangata whenua and Māori should be prioritised and receive bilateral support. It is particularly important to recognise the value that Māori can often provide given their expertise on natural hazards.

Council notes that Māori land has traditionally been situated in high or medium natural hazard risk areas. This partially undermines the principles of te Tiriti due to the disproportional natural hazards they experience, and highlights the need to consult with Māori when classifying risks.

Conclusion

Council generally supports the proposal, and believes that it will improve decision making and enhance resilience. However, more specific definitions and terminology will be required to ensure that the proposal is more likely to achieve its intended outcomes.

It will be important to update and enhance these draft documents over time, as we gain a deeper understanding of the social, economic, cultural and environmental impacts of climate change.

Thank you again for the opportunity to submit on this draft document. Please do not hesitate to contact us via the contact details listed at the start of this submission if you have any questions or wish to discuss aspects further.

Ngā mihi

Clr Michelle Pye

Timaru District Council Councillor; Chair of the Environmental Services Committee