



IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Hearing of Submissions and Further
Submissions on the Proposed Gore
District Plan

Minute 43 of the Hearings Panel

NATURAL HAZARDS

14 March 2025

1. INTRODUCTION

- 1.1 The purpose of this Minute is to indicate considerations of the Hearings Panel (the Panel) and provide directions following the hearing of submissions on the Natural Hazards chapter on 10 and 11 March 2025.
- 1.2 The Panel wishes to further explore the role of this chapter in giving effect to the Southland Regional Policy Statement (RPS) policies and methods, and in particular Policy NH.2, Policy NH.4, Policy NH.5, Policy NH.6, Method NH.5 and Method NH.6. This corresponds with responsibilities of the Panel under section 75(3) of the Resource Management Act 1991 (RMA) to give effect to the RPS, and with submission points made by Environment Southland (e.g. S85.085) and Southland District Council (e.g. S146.018) regarding the Natural Hazards Chapter.

2. BACKGROUND

Significant Risk

- 2.1 As discussed during the hearing, there is currently no use of the term “significant risk” within the Natural Hazards chapter and no definition provided. The RPS utilises the concept of “significant risk” in its policies but does not contain a definition of “significant risk”, although a non-exhaustive list of examples is provided in the explanatory text accompanying Policy NH.5.
- 2.2 The Panel is concerned that giving effect to the RPS relies on differentiating between areas where significant risk from natural hazards exists and areas where natural hazard risk is present but is not at a significant level. RPS policy directs that subdivision, use and development is to be avoided in areas of significant risk, except in limited circumstances (Policy NH.5), which would constrain any new development in identified significant risk areas. Management of risk outside of significant risk areas need not depend on avoidance, and as indicated in the explanatory text, may involve reliance on raising minimum floor levels (Policy NH.6). In other words, the Panel is cognisant that reliance on raising minimum floor levels in significant risk areas would not give effect to Policy NH.5.
- 2.3 The Panel observes that the Natural Hazards chapter in the notified plan and other chapters currently differentiates between “sensitive activities”, being those sensitive to flood hazard risk, and “non-sensitive activities”. The Panel wishes to better understand the relationship between this differentiation and the policy direction in the RPS, which does not specifically make this distinction.

Best Practice Guidelines

- 2.4 The Panel received evidence on behalf of the Gore District Council from Tonkin & Taylor, Mr Tim Morris, and on behalf of Environment Southland from Land River Sea Consulting Limited, Mr Mathew Gardner, and from Ms Jo Paterson, the Flood Risk Management Project Manager at Environment Southland. The evidence was not limited to consideration of the extent of flooding in particular scenarios, but also considered flood depths and velocities. The *Australian Rainfall and Runoff Guidelines* (Cox 2016) formed the basis of technical evidence on flood risks within the Gore District from both the Gore District Council and Environment Southland. The experts agreed that these guidelines represent current best practice in New Zealand as there are no alternative New Zealand guidelines.
- 2.5 The Australian guidelines use a Hazard Vulnerability Classification of lowest (H1 – generally safe for vehicles, people and buildings) to highest (H6 - unsafe for vehicles

and people, all building types considered vulnerable to failure) to enable flood hazard risk mapping. The Panel understands from questioning during the hearing that the experts agree areas in category H4 (Unsafe for vehicles and people) and above (H5 and H6) correspond with areas at significant risk from flooding hazard. The experts differed over whether raising minimum floor levels could manage flood hazard risk in areas categorised as H3 (unsafe for vehicles, children and the elderly).

- 2.6 The Panel is aware that the notified planning maps are based on an understanding of the extent of potential inundation in areas of the Gore district, based on historical data, without differentiating risk based on depths and velocities, as is best practice under the Australian guidelines. Evidence to the Panel is that the extent of flooding as shown on the notified planning maps largely correlates with the extent of flooding in flood hazard mapping provided by both the Gore District Council and Environment Southland. Mr Morris noted that there were some differences in areas outside of Gore and Mataura between the notified planning maps and the outputs of Tonkin & Taylor modelling.

Best available information

- 2.7 The experts agree that the recent flood hazard mapping for Gore and Mataura, provided as evidence by Environment Southland, represents current best available information for those areas. Environment Southland signalled that further work will be undertaken this year to extend the detailed mapping to other parts of the district and incorporate improved hydrological data and climate change scenarios. The experts agree the flood hazard mapping provided by Tonkin & Taylor was at a coarser level and could not be relied upon to the same degree as the Environment Southland mapping in the Gore and Mataura areas without further refinement, although it represents the best available information outside of those areas, in conjunction with historical data.
- 2.8 The expert evidence from Tonkin & Taylor and Land River Sea provided understanding of a 2% Annual Exceedance Probability (AEP) and 1% (AEP) event but did not map a 0.5% AEP event, which is the scale of event referenced within the Natural Hazard chapter rules and used as a benchmark for raising minimum floor levels. The Panel does not currently have an understanding of the relationship between a 0.5% AEP event and the height that floor levels would need to be raised to meet this requirement in various areas. The Panel understands the purpose of referencing a 0.5% AEP event is to ensure there is resilience built into new developments, which may be subject to increased flood hazard risk as a consequence of climate change.

3. PANEL DIRECTIONS

- 3.1 As indicated during the hearing, the Panel considers the Natural Hazards chapter needs to be re-worked to give effect to the RPS.
- 3.2 Given constraints associated with delivering decisions within statutory timeframes, the Panel considers that the most timely, efficient and effective approach is to direct expert witness conferencing between Mr Brett Osborne on behalf of the Gore District Council and Mr Marcus Roy on behalf of Environment Southland. Other parties to the Natural Hazards hearing may also wish to involve their expert planning witnesses in the expert witness conferencing and are invited by the Panel to do so should they wish.
- 3.3 Specifically, the Panel directs that the expert planning witnesses confer regarding:
- (a) the addition of a new definition of “significant risk” that corresponds with best practice understanding of flood hazard risk;

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- (b) the relationship between the new definition of “significant risk” and the notified planning maps, which show extent of potential inundation without depths and velocities;
 - (c) the relationship between the new definition of “significant risk” and “sensitive activities” and “non-sensitive activities”, with reference to best practice, best available information and RPS provisions;
 - (d) amendments to the objectives, policies and rules of the Natural Hazards chapter to reflect the new definition of “significant risk” and its relationship with RPS policy, notified planning maps, best practice and best available information. The Panel considers it desirable there be separate rules for “sensitive activities” and “non-sensitive activities” and that may also require separate objectives and policies differentiating these activities. The output expected is a revised “Appendix A” to the supplementary evidence of Mr Osborne; and
 - (e) the potential to improve access to best available information for plan users wishing to understand areas of “significant risk”, including through an information layer on a publicly available council GIS system or some other means.
- 3.4 The Panel requests that the expert witnesses provide a signed and dated joint witness statement that indicates where there is agreement and where there are remaining points of disagreement for the Panel to consider in decision-making. This joint witness statement is to be provided by Mr Osborne by **3 April 2025** to enable consideration by the Panel at the Wrap-up hearing on **7 April 2025**, at which the expert witnesses contributing to the joint witness statement are requested to be present, either in person or on-line to speak to any areas of disagreement and respond to any questions of the Panel.
- 3.5 The Panel also requests that technical experts provide mapped outputs for a 0.5% AEP event within Gore and Mataura, and beyond Gore and Mataura, if this is feasible within the available time, to assist understanding of the implications of rules that reference a 0.5% event.
- 3.6 The Panel is not seeking any further legal submissions with regard to this matter.

Any queries regarding this Minute should be directed to the Planning Department of the Gore District Council, phone (03) 209 0330 or email hearings@goredc.govt.nz.



Keith Hovell
Hearing Panel Chair