

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHU ROHE**

ENV-2018-CHC-290

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of an appeal under Clause 14 of the First Schedule
of the RMA in relation to the Proposed Second
Generation Dunedin City District Plan (2GP)

BETWEEN OTAGO REGIONAL COUNCIL

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

**AFFIDAVIT OF MATTHEW STUART ALLEY FOR THE APPELLANT IN
SUPPORT OF AN APPLICATION UNDER SECTION 293**

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

Telephone: (03) 477 8046
Facsimile: (03) 477 6998
PO Box 1144
DX YP80015

Solicitor: A J Logan

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**AFFIDAVIT OF MATTHEW STUART ALLEY FOR THE APPELLANT IN
SUPPORT OF AN APPLICATION UNDER SECTION 293**

I, **MATTHEW STUART ALLEY**, of Alexandra, Manager / Group Controller, swear

Introduction

1. I am the Manager and Group Controller for Emergency Management Otago, the Civil Defence Emergency Management Group for the Otago Region under the Civil Defence and Emergency Management Act 2002.
2. I have been in this position since July 2020.

Gordon Road Spillway and Floodway

3. I am familiar with the Gordon Road Spillway and Floodway because of the risk it poses to residents in the area and the frequency of events that impact on it.
4. The nature of and operation of the floodway/spillway is discussed in detail by other witnesses.
5. In simple terms, there is a designed overflow on the true right bank of the Silver Stream downstream of the Gordon Road bridge.
6. When the Silver Stream is in flood, water flows over the spillway and into the floodway.
7. The floodway area was most recently significantly flooded in July 2017. Some properties were reported to have water in excess of 1.5 metres deep through their dwellings.
8. The nature of the Silver Stream is that its level can rise quickly, which minimises the available time in which to warn residents to the need to evacuate.

Civil Defence Response

9. Otago emergency responses is undertaken by the coordination of emergency services and other agencies in an emergency operation centre for each district.
10. Actual response by emergency services on the ground may be limited depending on the extent of the weather system and its impacts across the region. For these reasons we emphasise the need for residents to undertake their own emergency preparedness and emergency planning as they are best placed to understand their own situation.
11. The unpredictable nature of weather events means we cannot simply determine "X" amount of rainfall is forecast, then the river will flood. Weather direction, catchment, where rainfall actually occurs and other variables all have to be assessed in real time during a severe weather event.

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12. As a consequence, the primary responsibility of residents in the area is to manage the risk to themselves based the best advice that we can provide at the time.
13. General advice is provided through the Otago Civil Defence Emergency Management Website, social media and media releases ahead of and during severe weather events.
14. Emergency Management Otago works closely both with Dunedin City Council and the Mosgiel-Taieri Emergency Response Group to keep it informed of the potential risks with the Silver Stream, and with some local residents who act as a conduit of information to other residents in the area.
15. If the flooding risk is considered high, residents are advised to evacuate in a relatively short timeframe.
16. In these events, emergency services are normally stretched so we cannot guarantee security of evacuated properties.
17. General warnings through social media are given.
18. Targeted warnings are given by door-to-door contact by emergency services (if time allows) or emergency mobile alert if the risk is imminent and time-critical. Residents can sign up for the "Otago Gets Ready" platform which provides for targeted text message alerts.
19. Warnings have been given in previous events when the Silver Stream has risen significantly with the potential to spill but has not overtopped its banks.
20. Unfortunately, these warnings with no consequential flooding can lead to a level of complacency.

Community Feedback

21. Feedback after the 2017 flood reflected residents' expectations that ORC or Civil Defence would provide individual or targeted warnings of their particular risk. Because of the widespread nature of this event (and others) that level of individualised warning cannot be guaranteed.
22. Living in an area like the floodway requires high level of personal preparedness and situational awareness during any heavy rain event so residents can make their own judgments on how and when to respond.

Conclusion

23. It is not desirable to increase residential development within the floodway. The likelihood of increased frequencies of heavy rain events means that events similar to 2017 are highly likely to occur. Setting safe habitable floor heights is also problematic as they would need to be very high if reported flood levels in 2017 are any guide.

Sworn at Alexandra DC
 this 16th day of December 2022
 before me:-


Andrea Burdett
 Deputy Registrar
 District Court

A Solicitor of the High Court of New Zealand.


 Matthew Stuart Alley