

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

IN THE MATTER of an application by Nelson City Council ("**NCC**") for a plan change ("**PC29**") to the Nelson Resource Management Plan ("**NRMP**") in the NRMP ("**Application**")

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

EXPERT CONFERENCING GEOTECHNICAL NATURAL HAZARDS PART 1

06 NOVEMBER 2024

Expert Conferencing Held on: 6 November 2024

Venue: Ruma Mahitahi, Civic House, Nelson City Council

Independent Facilitator: Self facilitated

Admin Support: Rebecca Dowling

1 Attendance:

- 1.1** The list of participants is included in the schedule at the end of this Statement.
- 1.2** There are no apparent conflicts of interest by the applicants.

2 Basis of Attendance and Environment Court Practice Note 2023

- 2.1** All participants agree to the following:
 - (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
 - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
 - (c) They will make themselves available to appear before the Panel;
 - (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Certified Earthworks landform proposal

3.1.1 Criteria

In 2019 (?) Council started requiring detailed consent notices that listed all the Development Restrictions from a Geotech Completion Report. Current CELF proposals only incorporate large scale subdivision that have these detailed consent notices and therefore the number of developments considered to qualify for the proposed CELF Overlay is very small (2).

All experts agree that the list of criteria for inclusion as CELF need review to consider other areas where Geotechnical Completion Reports exist, development restrictions have been provided and section 224c certification has been granted.

At this stage the Draft CELF Overlay has only been proposed for a selection of the submitter sites, based on the consent notice criteria set out above. Cameron Lines, Sally Hargraves and Mark Lile consider that the CELF Overlay should apply to other properties within the area impacted by Plan Change 29 irrespective of whether the submitters, subject to this conferencing, own those properties.

3.1.2 Future Process

All experts agree that the process set out in para 7 of Dan Chamberose Memo dated 25 October 2024 is a sound technical basis on which to include future CELF.

Cameron Lines, Sally Hargraves and Mark Lile consider that the issue remaining is the timeliness between plan changes and the problem caused by the time lag between completing CELF land and that land being incorporated into a future plan change. This relates to the ability for the submitters to market confidently and sell properties that have been certified but are not yet shown as such but remain in the slope management area.

3.2 Earthworks rule REr.75h.1 (as proposed in 25 October 2024 Memo)

Cameron Lines, Sally Hargraves and Mark Lile consider that REr.75h.1 should not apply to the CELF areas. Clause ii of rule REr.75h.1 is highly unlikely to have any relevance to CELF.

With respect to point c in the rule discussion was had around whether a volume restriction for fill is required or not in the Slope Management Area, this is yet to be agreed and needs more consideration.

All experts agree that with the exception of above the revised earthworks rule is acceptable. Rule REr.75h.3 has not been discussed.

3.3 Mapping Methodology and slope angle error issue

3.3.1 Slope instability mapping accuracy

The experts acknowledge the additional work that has been undertaken on the slope instability mapping, in particular as set out in the memo from BECA dated 31 October 2024. This memo provided information relating to an error discovered in how slope angles have been incorporated into the assessment and associated maps.

Revised maps were provided that have redrafted slope instability susceptibility tiers removing some areas from those susceptibility tiers, we understand that this affects a significant numbers of properties, recognising that a full inventory haven't been undertaken by the experts. We understand that no properties have been included that were previously excluded.

Application of slope angle to the assessment and associated maps is the only revision that has been undertaken by BECA at this time.

Cameron Lines and Sally Hargraves have remaining concerns about the accuracy of the geomorphic mapping of landslide features that underpin the susceptibility maps, additionally they have concerns about the interpolation and extrapolation between mapped landslide features that also underpin the susceptibility maps. This relates to a methodology parameter of "slope angle between 20 and 35 degrees AND geomorphic evidence of instability". This is an important parameter as it is likely to result in the inclusion of the largest proportion of properties in the Nelson hills.

Cameron Lines and Sally Hargraves understand that the mapping of landslide features undertaken during the original assessment by BECA was not specifically independently reviewed during the peer review process.

Dan Chamberose will check and confirm the scope of the peer review by CGW and SITAG and include in Reply Evidence.

Cameron Lines and Sally Hargraves undertook a quick overview of the landslide inventory layer for the Bayview site during this conferencing session. This layer relates directly to the susceptibility criterion set out in para 4 of this section. They identified areas where no geomorphic evidence was illustrated where historic landslides have been mapped by Cameron Lines from aerial photographs alone. These are illustrated in his evidence. Additionally, areas of identified instability that occurred in 2022 have now dropped out of the mapped susceptibility areas as a result of the slope angle revisions that have been undertaken recently.

Cameron Lines and Sally Hargraves consider that this leads to a low level of confidence in the overall accuracy of the maps.

Aside from the information shown to them during this session, Cameron Lines and Sally Hargraves have not been provided with the geomorphic basis for the susceptibility maps (landslide inventory) and so haven't been able to review this in any detail. Were they provided access to this information they consider 2-3 days work would be required to do a 'spot check' review of the geomorphic mapping (landslide inventory). This review will provide a better understanding of the accuracy of the geomorphic mapping and whether a wider scale review by BECA or independent peer review is required. This is important because it may result in a significant number of properties being excluded from the slope instability susceptibility tiers.

Mark Lile considers that the above concerns raised over the accuracy of the mapping is critical as a part of ensuring the rules are appropriate and have a sound basis within the natural hazards planning framework of Plan Change 29.

Dan Chamberose agrees to provide a version of the maps to allow Cameron Lines and Sally Hargraves to do 'spot check' review. Dan Chamberose considers that the landslide inventory has been created in accordance with the AGS 2007a guidance and aligns with a basic level inventory. As stated in the BECA reports the mapping is not considered to be an exhaustive record of all instability in the region but is sufficient to show the distribution of slope instability on hillslopes in the region. He

believes the inventory and extent of slope overlays are appropriate for this type of regional scale susceptibility mapping where its intent is to act as a tool to flag where slope instability needs further consideration.

Janice Carter considers that the regional scale mapping is appropriate for the proposed planning rules. If the geomorphic analysis by Cameron Lines and Sally Hargraves shows further areas they consider should be taken from the slope instability layers Janice and Dan will consider whether those areas provided should be removed.

The experts agree to provide a memo to the Panel to request an additional JWS session on the Monday 25th to discuss the review outcome and NCC Reply on Wednesday 27th November. Dan will provide mapping early the week of the 11th November to Cameron Lines and Sally Hargraves for the 'spot check' geomorphic review.

3.4 Fault Awareness and Avoidance Overlays

There was not time to discuss this topic.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise.
- (d) In the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed in person: 06 November 2024

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Janice Carter (Planning)	Nelson City Council (s42A)	Yes
Dan Chamberose (Geotechnical Specialist)	Nelson City Council (s42A)	Yes
Mark Lile (Planning)	Bayview Nelson Ltd, GP Investments Ltd, Suffolk Heights Ltd, Nelson North Ltd, 588 Ltd	Yes
Cameron Lines (Geotechnical Specialist)	Bayview Nelson Ltd, GP Investments Ltd, Suffolk Heights Ltd, Nelson North Ltd, 588 Ltd	Yes

Sally Hargraves (Geotechnical Specialist)	Bayview Nelson Ltd, GP Investments Ltd, Suffolk Heights Ltd, Nelson North Ltd, 588 Ltd	Yes
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