

**BEFORE A HEARING PANEL
CONSTITUTED BY NELSON CITY COUNCIL**

IN THE MATTER

of an application by **CCKV Maitahi Development Co LP** and **Bayview Nelson Limited** for a change to the Nelson Resource Management Plan (Plan Change 28)

IN THE MATTER

of Part 5 and Schedule 1 of the Resource Management Act 1991

STATEMENT OF EVIDENCE OF MARK FOLEY

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Section A – Introduction and Scope of Evidence

Name, qualifications and experience

- [1] My name is Mark Foley. I hold the qualification of Bachelor of Science in Geology and have practised as an engineering geologist for over 40 years. I am a Technical Director for Engineering Geology within Tonkin & Taylor Ltd and currently am the principal geotechnical consultant for Tonkin & Taylor in Nelson.
- [2] I have been engaged geotechnical investigations for development in Nelson since 1989 and in that time have authored or reviewed in excess of 500 land development and/or slope stability assessments of land in Nelson.

Expert Code

- [3] While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.
- [4] I have read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2014 (Part 7). I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Role in Project

- [5] I have been engaged to provide geotechnical advice in relation to the proposed plan change (PPC28). In particular my engagement has been to assess the geology, the geomorphology, notably the various landforms that occur within the PPC28 area, and the natural hazards that the land may be subject to.
- [6] The Nelson City Council has appointed Mr Paul Horrey as their expert advisor with respect to geotechnical matters. I have met with staff working under his direction during the course of his review and have provided further clarification to them regarding the assessment of geotechnical risks.

I have undertaken a joint site inspection with Mr Horrey on 3 May 2022. On 4th May 2022 Mr Horrey and I prepared a joint witness statement in relation to the geotechnical aspects of the proposed plan change.

- [7] I have read Mr Horrey's report that is included as Appendix F of the Section 42A report. Mr Horrey's report findings confirm the joint witness statement.
- [8] To my knowledge there has been no expert evidence put forward by the submitters in regard to the geotechnical aspects of the land and no further aspects of the geotechnical suitability of the land have been raised in the Section 42A report.

Scope of Evidence

- [9] My investigations are documented in my report submitted as part of the application (T+T Geology and Geotechnical Hazards Report dated March 2021).
- [10] My evidence is also based on the material included in my report and in the Joint Witness Statement I prepared with Mr Horrey.

Section B – Evidence

- [11] Geotechnical investigations have been undertaken to support the application for a Private Plan Change and are documented in my report referred to in paragraph 9.
- [12] The scope of investigations has included a desktop review of published geology maps, review of Tonkin & Taylor's files for information that is relevant to the PPC28 area, review of aerial photography taken over several decades, and review of LiDAR digital terrain models.
- [13] Field investigations have included walking over a large portion of the area and reviewing surface features of geomorphology and geology, including evidence of past slope instability. Field observations have been used to support slope stability analyses and an assessment of geotechnical risks to residential development.

- [14] There is no evidence of significant recent slope instability in areas proposed to be zoned for residential development, however localised small shallow landslip scarps are present on some steeper slopes and some slopes show geomorphic evidence of instability in the geological past.
- [15] The observed geology is generally consistent with the published geology maps, with predominantly strong to very strong rocks forming the hillside slopes and river alluvium and fan gravels underlying the floodplain of the Kākā Valley and the terraces and gentle slopes adjacent to Kākā Stream.
- [16] There are no active faults mapped within the PPC28 area.
- [17] Areas with the PPC28 area have variable susceptibility to slope instability, liquefaction and lateral spreading, and soil erosion geotechnical hazards.
- [18] The natural hazard risk to residential development has been assessed in general accordance with the Australian Geomechanics Society “Practise Note Guidelines for Landslide Risk Management: 2007, supported by quantitative risk analysis. This assessment has identified area of low, moderate and high geotechnical risk within the PPC23 area.
- [19] The PPC28 area includes land that is potentially suitable for residential land development in accordance with the Structure Plan and associated zoning and also includes some areas which have potential constraints for residential development.
- [20] More detailed geotechnical assessments will be required (under the Act (Fourth Schedule, the NRMP, and to satisfy Section 106 of the RM Act 1991) as part of all future consent applications. In combination, these requirements will ensure that the geotechnical risks are managed (avoided, remedied or mitigated) during the detailed assessment, design and construction phases of subdivision and development under the RM Act 1991.

Dated 14 June 2022

A handwritten signature in blue ink, appearing to read 'm.foley', is written over a light blue rectangular background.

[Mark Foley]