IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 29 to the Nelson Resource Management Plan

SUMMARY STATEMENT OF SUE ROBB ON BEHALF OF NELSON CITY COUNCIL

PLANNING - NATURAL HAZARDS - FLOODING

1. INTRODUCTION

1.1 My name is Sue Robb and I am a Planner.

1.2 I am a reporting planner for the Council on Plan Change 29 ("PC29") for the Flooding topic.

1.3 My experience, qualifications, involvement in this project and agreement to comply with the Code of Conduct is set out in the Section 42A report.

1.4 I set out below an overview of my opinion on the key outstanding matters raised in submissions and in submitter evidence.

1.5 Please note that in the Section 42A Natural Hazards report at Section 4.3.1. and paragraph 141 I refer to the evidence of Alec Louverdis, Group Manager Infrastructure at Nelson City Council. This is an administrative error. It should have stated Rhys Palmer and Philip Ruffell.

1.6 I attended expert conferencing concerning flooding. There is one Joint Witness Statement for flood.

1.7 The matters that have been resolved are:

1. The removal of the Flood Hazard and High Flood Hazard Overlay from two lots as requested which form part of the Manuka Street Hospital site. The Joint Witness Statement -Flood records this amendment. Damian Velluppillai's Rebuttal Statement of Evidence provides the detail and supports this.

1.8 The matters that have not been resolved are:

2. KEY ISSUE 1 NATIONALLY AND/OR REGIONALLY SIGNIFICANT INFRASTRUCTURE, THE AIRPORT, AND TELECOMMUNICATION COMPANIES

2.1 Matt Bonis (for Nelson Airport Limited) submits that the Airport as regionally significant infrastructure should be provided for in flood related policies.

2.2 The Joint Witness Statement-Flood records that Chris Horne (for the Telecommunications Companies) and Matt Bonis suggest wording for the flood hazard Policy DO2.2.4 flood hazard: subdivision, use and development in flood areas …*regionally significant infrastructure being able to locate in Flood Areas*

2.3 Whilst I have not recommended including a reference to nationally or regionally significant infrastructure in Policy DO2.2.4, I have addressed this matter through recommending the inclusion of Nationally and/or Regionally Significant Infrastructure (as defined in the Joint Witness Statement-Infrastructure) in Policy DO2.2.6 flood hazard: hard protection structures and the Matters of Discretion for the flood hazard rules in the Industrial Zone except INr.60D which concerns Network Utilities.

3. ISSUE 2 FLOOD HAZARD RULE FRAMEWORK

3.1 The flood hazard rule framework is part of the overall PC29 approach to natural hazards including flooding. The approach consists of an objective, policies, rules and flood hazard overlays. The rule framework for flooding generally consists of limited Permitted and predominantly Restricted Discretionary activities.

3.2 Mark Lile on behalf of Manuka Street Hospital comments in his evidence on the new consenting requirements for new buildings and earthworks. Mr Lile expressed concern with the residential zone rules, REr83B Building and below ground swimming pools, REr.83C Fence, wall, retaining wall, outside storage and REr83E Earthworks.

3.3 Matt Bonis comments in his evidence on the Industrial flood hazard provisions applying to all landholdings regardless of the scale and type of activity. The Joint Witness Statement-Flood notes that both Mr Lile and Mr Bonis have concerns regarding the flood hazard rule approach and transaction costs.

3.4 Having considered the evidence, expert conferencing and the Joint Witness Statement-Flood, I recommend amendments to the Permitted Activity rule REr83E.1. Flood Areas except Flood Paths or Floodways-Earthworks. I also

recommend amendments to other Permitted Activity rules, which are outlined in Issues 4 and 5 below.

4. ISSUE 3 POLICIES

4.1 Two experts in their evidence have raised issues with the overall approach of the PC29 flood related policies. Mark Lile in his evidence states that it is important that development is not discouraged or prevented.

4.2 Experts for Manuka Street Hospital and Nelson Airport Limited in discussion after the expert conferencing on 30 July stated that the policy framework (ten flood related policies) was not always clear.

4.3 I have considered the evidence, Joint Witness Statement and discussions on this matter and have made some recommendations to Policies DO2.2.4 and DO2.2.6. These are outlined below.

5. ISSUE 3A POLICY DO2.2.4 FLOOD HAZARD: SUBDIVISION, USE AND DEVELOPMENT IN FLOOD AREAS

5.1 The expert conferencing on 30 July discussed policy DO2.2.4. The evidence provided on this matter concerns:

(a) Clause 2, the inclusion of text regarding the functional and/or operational need of the building, landuse or activity within that location. As stated above, it is recorded in the Joint Witness Statement-Flood that Mr Bonis and Mr Horne suggest an amendment to include regionally significant infrastructure.

(b) David Carlson-McColl in his evidence for the Manuka Street Hospital suggests that Policy DO2.2.4(6) contradicts other clauses in the Policy and rule REr.83B and he provides suggestions for addressing this.

5.2 I have recommended that DO2.2.4(6) is deleted as it inconsistent with the overall approach which is better articulated in clause 7. I have also included text relating to the functional or operational need of the building, landuse or activity within a location.

6. ISSUE 3B POLICY DO2.2.6 FLOOD HAZARD: HARD PROTECTION STRUCTURES

6.1 Mr Bonis for Nelson Airport Limited raised two matters in his evidence:

(a) The inclusion of 'practical' in clause 1. This relates to natural defence options.

(b) The need to include the recognition of nationally and regionally significant infrastructure.

6.2 I have recommended the following amendments:

(a) the insertion of 'practicable' in clause 1; and

(b) the insertion of text relating to having regard to the functional and operational need for Nationally and/or Regionally Significant Infrastructure to locate within Flood Areas

7. ISSUE 3C POLICY DO2.2.10 HIGH FLOOD HAZARD, FLOODWAYS AND FLOOD PATHS: SUBDIVISION, USE AND DEVELOPMENT

7.1 Matt Bonis in his evidence requests the Explanation and Reasons for Policy DO2.2.10 is amended to include regionally significant infrastructure. I have not recommended this.

8. ISSUE 4 INSTALLATION OF NEW TELECOMMUNICATON POLES AND ATTACHED EQUIPMENT AS A PERMITTED ACTIVITY IN THE URBAN ZONES, RESIDENTIAL AND INNER CITY, OUTSIDE OF THE ROAD RESERVE ON LAND SHOWN AS FLOOD HAZARD

8.1 Chris Horne in his evidence for the Telecommunication Companies requests the inclusion of new telecommunication poles and equipment (defined as *Aerials* in the NRMP) as a Permitted Activity in rules REr.83D.1 and ICr.59.D.1 and associated earthworks in REr.83E.1 and ICr.59E.1.

9. ISSUE 5 INDUSTRIAL ZONE RULES (INR.60A-60F)

9.1 Matt Bonis and Andrew Craig consider that the scale and nature of the permitted thresholds for permitted activities are not commensurate with the activities of an airport.

9.2 I have recommended amendments to several of the Permitted activity rules in the Industrial zone flood hazard areas (except Flood Paths and Floodways). These include the opportunity for additions to buildings in flood hazard areas provided there is a written statement from a Chartered Engineer, addressing a matter concerning retaining walls and allowing for the replacement of an above ground car park, accessways and trenching provided that the ground level is restored to the same level as at commencement.

Sue Robb

26 August 2024