

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 FLOODING AND PLANNING

30 July 2024

Expert Conferencing Held on: 30 July 2024

Venue: The Hotel Nelson and online

Independent Facilitator: Marlene Oliver

Admin Support: Rebecca Dowling

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

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 Manuka Hospital Limited

(a) Manuka Street Hospital (car park area) – Flood Hazard Mapping

This issue relates to two parcels (NL60/201 Pt Sec 517 and NL60/202 Pt Sec 517 City of Nelson). These two parcels are on the edge of the modelled inundation/hazard area and are currently intersected by PC29 Flood Hazard and High Flood Hazard overlays.

Damian Velluppillai and Toby Kay agrees with David Carlson-McColl that ground level changes since the time of the LiDAR survey used for the current flood model mean that the modelled river flooding in this area is no longer expected to extend onto these two parcels. They all agree that it would be appropriate to remove both the PC29 Flood Hazard Overlay and PC29 High Flood Hazard Overlay from these two parcels.

(b) Overlay mapping

All experts confirmed that it is their interpretation of the NRMP provisions that the Flood Area Overlay applies to only the areas of land that are directly under the mapped overlays as identified on the Planning Maps. Refer to the proposed PC29 definitions of Flood Area, Flood Path and Floodway.

(c) Policies

Mark Lile and Matt Bonis consider that Policy DO2.2.4 currently contains some inconsistency to the wider policy direction in relation to flooding. Other provisions such as policy DO2.2.5 provide the opportunity for mitigation of the potential effects of natural hazards. Subclause 6 of this policy seems to apply the avoidance approach which does not align with the balance of this policy and the wider provisions including the rule framework (e.g. the RDA status). They consider that Subclause 6 may have an unintended consequence of preventing development in areas where Plan Change 29 seeks to provide for intensification such as the City Centre, Vanguard St Vincent area, and also land to be upzoned for residential intensification with some identified high flood hazard risks where mitigation is feasible.

Chris Horne agrees with the general concern raised by Mark Lile and Matt Bonis in regards to the ability to manage some activities in flood hazard areas and this is relevant to other relief being sought in relation to infrastructure (refer to agenda item 3.2 below).

Damian Velluppillai and Toby Kay and David Carlson-McColl agree that the flood mapping that underpins the PC29 flood hazard overlays has been developed at a catchment wide scale. The site specific assessment could be used to refine understanding of flood hazard risks and mitigation options at a particular property or site and to assess any effects of changes on that site.

Sue Robb and Janice Carter will review the provisions in light of the matters raised above.

All experts agree to schedule a further expert conference session to address the above matters on 8 August 2024 at 4pm.

(d) Rules

Mark Lile advised that the Manuka Street Hospital submission concern with 3 new rules, being REr.83B, 83C, 83E.

Matt Bonis shares the same concerns with Mark Lile in relation to the equivalent provisions in the industrial zones and the associated transaction costs associated with a breach of the thresholds.

Janice Carter and Sue Robb will review the submission and include some comments for consideration with the policy matters raised above under sub para (c).

3.2 Installation of telecommunication poles and attached equipment

Telecommunication organisations in relation to the installation of new telecommunication poles and attached equipment being a Permitted activity in urban areas (Inner City and Residential) outside of roads:

- (a) Policy DO2.2. flood hazard” subdivision, use and development in flood areas

Policy DO2.2.4 flood hazard: subdivision, use and development in Flood Areas
Control subdivision, use and development within Flood Areas to ensure:
1. the type, frequency and scale of projected flooding, and likely damage and effects is appropriately assessed;
2. the building, land use or activity being proposed is suitable and its vulnerability to risk from the flood hazard is not increased, recognising the functional and/or operational need for some activities to locate within the Flood Areas;

Chris Horne and Matt Bonis suggested replacing the wording added to the end of subclause (2) above with the following alternate wording: “..., or is appropriate having regard to the functional and/or operational need for Regionally Significant Infrastructure to locate within Flood Areas”.

- (b) REr.83E and ICr59E and equivalent earthworks rules in the industrial zone. These rules need to be reviewed for applicable thresholds and application to other zones for consistency, where there is scope.
- (c) REr.83D and ICr.59D. These rules relate to poles in flood hazard areas and need to be consider in light of the submissions.

Janice Carter and Sue Robb will review the above suggestions in the context of the wider plan provisions.

This item will be included in the 8 August 2024 expert conferencing.

3.3 Nelson Airport Limited

- (a) Mapping – Flood overlays

Andrew Craig requests flood levels from model results for the Airport Area. Toby Kay agrees to provide this information. Andrew will provide a response on his interpretation of the flood levels on the Airport for the Council to consider including in PC29.

- (b) Policies and rules relation to liquefaction and flood. Matt Bonis identified his narrow relief is attached to his evidence which confines the relief to Industrial provisions under PC29 only. Janice Carter identified concerns as to the spatial application of that relief (liquefaction) beyond the Airport land, but that the assessment matters sought could be acceptable in principle. The Council's experts identified above that the thresholds within the flood areas in the industrial zones are to be reconsidered. Experts for the Airport and the Council are to discuss these matters further and this item will be scheduled for expert conferencing on 8 August 2024.

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; and
- (d) As this session was held online, 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 online: 30 July 2024

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Sue Robb (Planning)	Nelson City Council (s42A)	Yes
Janice Carter (Planning)	Nelson City Council (s42A)	Yes
Damian Velluppillai (Flood Hazards – Civil Engineer)	Nelson City Council (s42A)	Yes – participated in items 3.1 and 3.2 only.
Toby Kay (Flood Hazard – Water Engineer)	Nelson City Council (s42A)	Yes
Matt Bonis (Planning)	Nelson Airport Ltd	Yes
Andrew Craig (Coastal Processes and Climate Change – Civil Engineer)	Nelson Airport Ltd	Yes

David Carlson-McColl (Civil Engineer)	Manuka Street Hospital Ltd	Yes - participated in items 3.1 and 3.2 only.
Chris Horne (Planning)	Chorus NZ Ltd, Connexa Ltd, FortySouth, One NZ, Spark NZ Trading Ltd	Yes - participated in items 3.1(c) and 3.2 only.
Mark Lile (Planning)	Manuka Street Hospital Ltd	Yes - participated in items 3.1 and 3.2 only.