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 JANICE CARTER ON BEHALF OF NELSON CITY COUNCIL

PLANNING – NATURAL HAZARDS - GEOTECHNICAL

1. INTRODUCTION

1.1 My name is Janice Carter and I am a Senior Associate and planner at Barker and Associates.

1.2 I am a reporting planner for the Council on Plan Change 29 ("PC29") for the Natural Hazards - Geotechnical 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 and Section 42A addendum.

1.4 I attended expert conferencing on flood hazard mapping and provisions on 30 July and 8 August 2024 and on geotechnical hazard mapping and provisions on 31 July and 1 August 2024. The matters agreed in respect to the geotechnical hazards conferencing are summarised below:

a. That the mapping of the Liquefaction Hazard overlay is fit for purpose (JWS section 3.2.1 JWS).

b. Some further adjustments to the Fault Deformation Overlay in respect to Bayview Nelson Limited are required and this has been undertaken by Mr Chamberose.

c. That Slope Instability Susceptibility Area 1 (Tāhunanui Slump) mapping and provisions can be retained as recommended in the s42A report (JWS section 3.4.1 iii).

d. That the mapping of Debris Run-out Susceptibility Area Overlay can be retained as recommended in the s42A report (JWS section 3.4.1 iii and v).

e. That Slope Instability Susceptibility Areas 2 and 3 be combined into a single overlay (to be named) (JWS section 3.4.1 I and iii), with rules relating to earthworks, and stormwater etc to be finalised.

f. Subdivision in the combined Slope Instability Susceptibility Areas 2 and 3 and Debris Run-out Susceptibility Area to be amended to restricted discretionary activity (with rule and matters of RD to be drafted) (JWS section 3.4.1 iii).

g. That the geotechnical experts supply further information to Dan Chamberose to consider whether stabilised parts of the submitters properties by large scale earthworks be excluded from the overlay.

h. That it is appropriate for all geotechnical mapping to contain a disclaimer relating to the purpose and intended use of the maps and overlays (JWS section 3.5). This issue is related to the scale the maps were produced at.

i. That a possible permitted activity land use rule pathway be drafted for sites with an existing slope instability geotechnical assessment and subdivision consent approval; and a similar pathway for the Fault Deformation Overlay (JWS section 3.6).

j. That further work is required in respect to the mapping of Slope Instability Susceptibility Area 3 at 27 Bayview Road.

1.5 Matters that remained outstanding during expert conferencing are indicated in the Joint Witness Statement (JWS) and have been discussed in my rebuttal evidence and in the rebuttal evidence of Dan Chamberose. I set out below an overview of the key outstanding matters raised in submissions and in submitter evidence.

1.6 In addressing submissions of a technical nature, I have relied on technical advice from Mr Dan Chamberose to inform my recommendations, particularly in relation to the methodologies for the mapping of slope instability, fault line and liquefaction hazards.

2. LIQUEFACTION HAZARD OVERLAY

2.1 The remaining issues in contention in respect to liquefaction relates to the liquefaction rules. In my rebuttal evidence (paras 6-10) I address the issue of whether the liquefaction rule should be non-notified as requested by Manuka Street Hospital (S881.025), and whether the activity status should be controlled or restricted discretionary when the permitted activity conditions

cannot be met, as requested by Nelson Airport Limited (S478.015) and Kāinga Ora (S933.111).

2.2 My overall recommendation is that controlled activity status, with a non-notification cause, is appropriate (and as shown in the consolidated addendum version of the provisions in respect to REr.74A and INr.72A).

3. FAULT (DEFORMATION AND AWARENESS OVERLAYS)

3.1 Amendments have been proposed to the Fault Deformation Overlay at Bayview and at Marsden Valley as a result of further information supplied by submitters to Mr Chamberose. These amendments are included in Appendix 6 of the s42A report and as Figure 4 and Figure 5 in Mr Chamberose' evidence in chief.

3.2 Mr Chamberose also addresses additional amendments to the fault deformation overlay at Bayview in his rebuttal evidence at paragraph 3.1, and includes revised mapping of the fault in this location (see Figure 1 of his rebuttal statement).

3.3 In my rebuttal evidence at paragraph 15 I recommend deleting rule REr.73C in respect to requiring consent as a restricted discretionary activity for new residential buildings in the Fault Awareness Overlay. A consequential amendment to Policy DO2.2.12. to delete reference to residential buildings will be required if these recommendations are accepted. This proposed wording is included in Chapter 5 (Natural Hazards) in the consolidated addendum version of the provisions.

3.4 As discussed in the JWS at section 3.6, and in my rebuttal evidence at paragraph 17, I have also recommended an exception to provide a permitted pathway, or exemption, to the rule for sites in the fault deformation overlay which already have recent site-specific geotechnical assessments, including conditions and consent notices as part of the subdivision process. The proposed wording is included in Chapter 7 REr.73 in the consolidated addendum version of the provisions.

4. SLOPE INSTABILITY SUSCEPTIBILITY AREAS

4.1 I have proposed that the combined Slope instability Susceptibility Areas 2 and 3 be renamed 'Slope Instability Susceptibility Area 2 (Nelson Hills)'. The reasons for this are provided at paragraph 21 of my rebuttal evidence.

4.2 In my rebuttal evidence I recommend that the rules that apply to the combined Slope Instability Areas 2 and 3 include earthworks, stormwater and wastewater, and subdivision and that rules that were notified in relation to new buildings, additions, accessory buildings and large structures be deleted. The reasons for these recommendations are included at paragraph 22-24 of my rebuttal evidence.

4.3 Whether areas that have been engineered certified/modified should be excluded from the overlays as requested by some submitters is discussed in my rebuttal evidence at paragraph 29. Mr Chamberose acknowledges at Section 4 of his evidence that the susceptibility overlays do not explicitly consider previously engineered certified modified land that has occurred since the LiDAR information used to create the overlays was flown. Mr Chamberose does not agree with removing these modified land areas from the overlays (section 6 of Mr Chamberose's rebuttal evidence), but as I understand Mr Chamberose's evidence, if they were to be considered then it would be important to use updated datasets in these areas to run through the methodology tree to determine if they fall outside the susceptibility criteria. I agree with this from a general position in terms retaining consistency of the methodology, and therefore I consider that the updated LiDAR could be used to provide some relief to these submitters. This may mean, as discussed by Mr Chamberose, that in some cases parts of the submitter's sites may still fall within the combined slope instability overlay.

4.4 A remaining issue was for me to consider redrafting the subdivision rules for the combined Slope Instability Susceptibility Areas 2 and 3 and the Debris Run-out Susceptibility Area to change the activity status from discretionary activity to restricted discretionary as discussed in the JWS. Should the panel agree to that recommendation, I have provided some preliminary drafting attached to this statement.

Janice Carter

26 August 2024

Proposed subdivision rule REr.112B.3

REr.112B.3

In Slope Instability Susceptibility Area 2 Overlay, subdivision is a restricted discretionary activity if it complies with all other [relevant] controlled and restricted discretionary terms in REr.107.2 a to j and REr.107.3 a and c.

Discretion is restricted to:

i. the level of slope instability hazard on the site;

ii. the location, scale and nature of activities proposed for the sites created;

iii. the level of risk including to people, property and infrastructure, both onsite and off the site;

iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the subdivision consent application;

v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented; and

vi. the relevant matters of control, restricted discretion, and assessment criteria in REr.107 - Subdivision General.

Discretionary Activity

Activities that contravene a standard for a restricted discretionary activity are discretionary.