

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE NELSON
CITY COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991
(**RMA** or **the Act**)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on Plan Change 29 to
the NRMP

AND

IN THE MATTER OF

Submissions and Further Submissions
on Proposed Plan Change 29 by

BAYVIEW NELSON LIMITED

GP INVESTMENTS LIMITED

NELSON NORTH LIMITED

SUFFOLK HEIGHTS LIMITED

588 LIMITED

SUPPLEMENTARY EVIDENCE

MARK A.B. LILE

(Planning)

Dated: 9 September 2024

INTRODUCTION

1. My name is Mark Lile and this supplementary evidence (planning) has been prepared in response to 'Addendum 1A to the s42A Report – Geotechnical' from Janice Carter (dated 19 August 2024). This supplementary evidence is an update to my evidence in chief (dated 7 July 2024) and the associated Joint Witness Statements that I am a signatory to.
2. It is also important to record here that in accordance with the directions from the Panel, progress was made between the experts within expert conferencing sessions, as formally recorded in the agreed Joint Witness Statements (JWS). The expert conferencing sessions that I attended (which resulted in agreement) are listed below, with the JWS dated 31 July 2024 being relevant to the submissions made by the Hazards Group:

Date	JWS Topic
24 July	Infrastructure
30 July	Flooding
31 July	Geotechnical
1 August	Heritage (REr.18T/19T)
5 August	City Centre
5 & 6 August	Strategic, Residential and Planning
7 August	Infrastructure
7 August	Infrastructure Part 4 (Services Overlay)
14 August	Heritage Part 3 – Rules REr.18T/19T

3. In preparing this supplementary evidence, I rely on the technical engineering evidence of Dr Hargreaves and Mr Lines for the Hazards Group.
4. The accuracy of the technical supporting information is fundamental to the provisions that are to form a part of PC29. However, at the time of preparing this supplementary evidence, there remains a lot of disagreement between the technical evidence from the Hazards Group (evidence of Dr Hargreaves and Mr Lines), and that of Mr Chamberose for NCC. It is for this reason that my assessment of PC29 has not significantly changed since 7 July 2024.

Fault Deformation and Fault Awareness Overlays

5. The mapping of the fault mapping at Bayview Nelson was inaccurate and remains inaccurate until such time as that correction has been made. I do believe this can be resolved.
6. At a broader level, I remain concerned that the mapping of the fault is not accurate due to the mapping exercise not sourcing the most up to date information from the property files.

I consider the Council has an obligation to use the best available information, particularly in recognition of the potentially significant costs and consequences on property owners from being located within this hazard overlay.

7. PC29 represents a significant change to the planning framework in relation to the fault hazard. Those changes have been challenged in the technical evidence of Dr Hargraves and Mr Lines, particularly with reference to the MFE Guidelines of 2003. As the PC29 has not been developed in accordance with the Guidelines, being the approach taken by many other territorial authorities, I consider the associated provisions are not appropriate.

Slope Instability and Debris Run-Out Overlays

8. The s42A recommendations represent substantial changes to the provisions compared to those that were notified. This now involves a combined 'Slope Instability Susceptibility Area 2 (Nelson Hills)' within control only over the activity of earthworks (REr.75H) and serving (REr.75G).
9. As set out in the expert evidence of Dr Hargraves and Mr Lines, the name of this Area is strongly opposed and I fully agree with their reasoning. In essence, this Area only represents a 'Slope Management Area' which is very much the same as the current Land Management Overlay which is relevant to the earthworks rules in the NRMP. Importantly, the Land Management Overlays are not a natural hazard, and nor is the SISA given its inaccuracies and limitations upon which it was developed.
10. I note that the s42A addendum report says the Council can rely on the subdivision and building consent processes:

"... until more work is done in the future to identify a more robust 'elevated' slope instability susceptibility area where building relates rules could find greater justification". (Paragraph 24, p9, s42A addendum report)

11. I agree that the subdivision processes already provide a robust framework for the consideration of natural hazards, including with the mandatory requirements of section 106. I consider there are no gaps that need filling in that regard.
12. I do however consider it important for the Council to clarify what is meant (above) by the *"use of the building consent processes"*. The Hazards Group is strongly opposed to any use of the SISA (or as renamed) as being a trigger for consideration of land that is the

subject of a natural hazard, and so not appropriate to be used as a trigger allowing Council to impose a condition under section 73 of the Building Act.

The earthworks rule (REr.75H)

13. The changes recommended to the earthworks rule are acknowledged, but have also been addressed in the evidence of Mr Lines. I agree with the position taken and recommended by Mr Lines (and Dr Hargraves).

SUMMARY

14. In summary, in response to the recommendations contained in the s42A addendum report, I consider the geotechnical provisions of PC29 are not appropriate. The concerns I raised in my evidence of 7 July 2024 largely remain.
15. My assessment on the PC 29 provisions as to fault and instability hazards has not changed since submissions were originally filed, for the reasons set out in paragraph 4 of this Statement.
16. I am happy to answer any questions.



Mark A. B. Lile
9 September 2024