



Ref: s.7(2)(a) -

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8 June 2021

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s.7(2)(a) -
protect the
privacy of
natural

Dear s.7(2)(a)

OFFICIAL INFORMATION REQUEST FOR SLOPE INSTABILITY PRESENTATION SCRIPT

I refer to your official information request dated 28/05/21 for copy of the script that Jacqui Hewson read aloud that accompanied the power point presentation.

The information you requested is enclosed.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact Jacqui Hewson at jacqui.hewson@ncc.govt.nz.

Yours sincerely

Clare Barton
Group Manager Environmental Management

Encl: Script

Internal Document ID: A2677620

Slide 3: Why has the Council commissioned this report?

Just to provide a bit of background as to why and how this mapping has come about...

All councils in New Zealand are required to review and update their Resource Management Plans every 10 years. Updating and reviewing Natural hazards information within Nelson is part of that process, as well as our obligations under the Local Government Act and the Building Act.

Our knowledge of where and what natural hazards effects Nelson is constantly evolving and being refined and that needs to be reflected in our resource managements plans, so we can best manage the way we use and develop in these areas.

As Nelson is grows and intensifies, the need for better knowledge about our natural hazard also grows and intensifies.

Nelsons current operative resource management plan identifies two area of known past instability and includes rules for these areas to manage any potential effects and ensure use and development occurs safely, such as rules for how stormwater and wastewater are dealt with onsite, how much earthworks you can do, and how new buildings and heavy structures should be designed.

The latest mapping has assessed the wider Nelson urban area to ensure all potential areas of slope instability are identified, not just previous instability.

The report and mapping does not override previous or current consented properties or Geotech reports, this is looking forward to ensure future development keeps existing developments safe from this hazard, along with all the other natural hazards we have in Nelson.

The methodology for this, as you will hear from Dan and Sarah shortly is industry best practice and also the same methodology use by Tasman District council. BECA also work with a number of other new Zealand councils assisting them with their slope instability hazard work, which Sarah will explain further.

Slide 4. Why has this been put on my LIM and how can it be removed

Central Government requires Local Governments to provide Land information memorandum or LIMS for properties. A LIM is summary of information that council holds about a particular property, such as natural hazard information, stormwater pipes, zoning, heritage items and resource consents, just to name a few.

The Council is legally obligated to include any information it holds. It is information only and does not provide any assessment or judgement on that information. The case law threshold for information to be placed on a LIM is, if the Council holds that information and that if that information has been "reasonably objectively determined" then it must go onto the LIM notice. I appreciate that is a lot of legal jargon, this is what the local council are legally obliged to do, from Central government legislation.

In saying that, this LIM notice relating to slope instability and any other hazard information, is, once that information is contained within an operative resource management plan, it can be uplifted from the LIM. This is because the information is readily and publicly available. Property owners do not need to request the uplift of this notice, it will automatically occur. So to reiterate, the LIM notation is an interim situation where the Council holds this information but it is not yet contained within an operative district plan, once it is on a planning map, it does not need to be stated on a LIM.

Slide 5. How does this LIM affect my property?

We have been hearing a lot of concerns about how LIMS may affect you, particularly around rates, insurance and valuations.

Rating and property valuations take into consideration a large amount of factors when making the assessments. One of these considerations is slope instability, along with all other natural hazards that impact Nelson properties such as flooding, coastal inundation, fault hazards and liquefaction.

A large majority of properties in Nelson have LIM notations around hazards, Nelson, like most New Zealand towns are subject to more than one Natural Hazard. Here in Nelson we have hazards, relating to Fault lines, liquefaction, coastal inundation, in addition to other hazards such as contaminated land. The majority of Christchurch properties now all have liquefaction LIM notice after the Christchurch Earthquakes.

If you recall NCC released maps on contaminated land, flooding, coastal inundation and liquefaction over the past few years.

During that time we have not seen a marked difference in property values that have these notations. At last night's meeting we had an estate agent who echoed this, stating that she has not seen property prices being affected by LIM notations. With regards to your insurance, we suggest you talk to your insurance provider as cover will depend on what your policy outlines. Noting that, we also recommend you take a look at the EQC website as it explains what it provides cover for if your property is damaged from a natural disaster, such as landslides, so long as you have valid fire insurance in your policy.

Insurance companies and property owners all have different appetites to risk and it's advisable to have a conversation with your insurer and explain if your property has any previous geotechnical reports or mitigation works carry out that would alleviate any potential risk. It's about providing a full picture of the situation.

Slide 6. What does it mean for developing my land right now? If I'm building?

- When you apply for any new significant building consent, such a new house, ground conditions are already taken into account via the Building Act. The Building Act requires 'Good ground' and this may require Geotech reports to establish this.

If I'm subdividing? - The current rules of the Resource Management Plan require you to take risks from natural hazards into account. This may mean there are conditions of consent around managing stormwater, earthworks and building platforms.

Do I now need a resource consent? - At present You will only need to apply for a resource consent if your proposal contravenes a rule/s in Resource Management Plan, e.g if you exceed the building height standards.

Does this override my existing consents or Geotech work on-site? - the short answer is No, granted consents and any associated Geotech mitigation works have been approved taking the site conditions into account.

For example, If your property has been recently subdivided, it is highly likely that it required a Geotech report to prove the land was suitable to building on, this information is available on your LIM, so again a LIM provides the full picture to ensure that what has been done on your property, shows what's been carried out to ensure your safety but also gives an awareness that, if in the future anyone plans additional development, they know that they may need to look more closely into how that might affect the slope instability.

Slide 7: Next Steps

As this work is highly technical in nature, we are seeking to collaborate with the local geotechnical community to determine the most appropriate way to manage future development in these areas.

This initial mapping is the first step in the process. The next step is determining what the "risk" are of these areas.

This "risk" assessment will involve a more in-depth assessment. And we will be working with the local Geotech community to ensure the scale of the risk assessment if appropriate to Nelson.

Risk needs to assess not only the hazard, but also the likelihood of a landslide happening, the magnitude of this slope instability and the level of consequence if it does occur. From there, it can identify if there are areas of lower or higher risks and then determine how to manage these areas in a way that matches the level of risk. From there, we can there determine what type of rules we should have in place to ensure that not your property remains safe in the future but also ensuring any future owners of your property or owners around you do not do anything that might undermine the stability of the land.

Just as an example, you have had a retaining wall put in at the back of your property, carried out all your necessary Geotech reports and had engineered design and your next door neighbour decides to put in a swimming pool or a large rear extension to their property, which could undermine the stability of the slope. Any planning rules relating to slope instability, like the rules that are already in place in the Tahuna and Grampians slope instability overlay will ensure not only their safety, but yours too. This is the end purpose of this mapping. To keep you, as well as everyone around you safe.

Slide 8. Next steps continued...

Once we have those recommendations for the "risk" areas and possible planning rules from the technical working group they will be incorporated into the Nelson Plan.

The Nelson Plan will be formally notified and at that stage it will be publicly consulted on and an opportunity for you to provide submissions on this.

BECA will now talk you through their presentation and we'll hold all questions to the end.

I'll now pass you onto Dan and Sarah.