

SUMMARY STATEMENT

To: Hearing Commissioners

From: Michael Parsonson

Date: 13 July 2022

Subject: **CCKV Maitahi Development Co LP and Bayview Nelson Limited Private Plan Change 28 – Erosion and Sediment Control**

Introduction

1. I have been engaged by CCKV Maitahi Development Co LP (CCKV) and Bayview Nelson Limited (BNL) (collectively “the Applicant”) to advise and prepare expert evidence on the erosion and sediment control (ESC) aspects of proposed Private Plan Change 28 (PPC28) of the Nelson Resource Management Plan (NRMP).
2. My evidence is provided in following statements which address ESC matters and respond to issues raised in pre-hearing engagement and evidential reports prepared by Graeme Ridley (ESC) and Gina Sweetman (planning) on behalf of Nelson City Council (NCC), and through submissions and evidence prepared on behalf of submitters.
 - *Statement of Evidence of Michael John Parsonson, Erosion and Sediment Control*; 15 June 2022
 - *Statement of Evidence of Michael John Parsonson, Erosion and Sediment Control*; 6 July 2022
3. My involvement commenced in March 2022, and has included a site visit undertaken on 25 March, ongoing liaison with the applicant, Mr Lile and other experts as necessary, an expert conference with Mr Ridley and Ms Sweetman on 5 May 2022, and various engagements with Mr Ridley via email and telephone.
4. While my position on these matters remains significantly apart from that of Mr Ridley (and submitters), we have engaged on a constructive and amicable basis and have sought to resolve matters to the extent possible.

Summary of Evidence

5. As I see it, the key point of difference between Mr Ridley and me is that Mr Ridley considers that potential sediment yields (discharges) that may arise from the development of the PPC28 need to be estimated in more detail at this time, so as to adequately inform the assessment of the plan change. While this applies to the entire PPC28 area, it has particular focus on the proposed development within the Kākā Valley, which drains to the Maitahi / Mahitahi River at Dennes Hole swimming. I do not share that opinion for the following reasons.
6. If the plan change is approved, earthworks will be necessary to create roads and services (including stormwater treatment facilities), other access, geotechnical stabilisation, realigning the Kākā Stream, and regrading land for development.

7. Earthworks will trigger the need for resource consents as restricted discretionary activities under the existing provisions of the NRMP. The matters of discretion that apply to that activity are broad and engage relevant policies and other related provisions where those are contained in the NRMP schedules.
8. PPC28 includes additional relevant policies and Schedule X.12 that explicitly require the adoption of best practice erosion and sediment control principles and measures, consistent with the Nelson Tasman Guideline¹, and including adaptive management. Policies impose a requirement to adopt water sensitive design and achieve freshwater outcomes, including consistency with the National Policy Statement for Freshwater Management 2020. The outcomes sought by Schedule X.12 are explicit:

To ensure that that development within the Structure Plan area appropriately minimises adverse sediment effects, and is consistent with the relevant ecology, water quality and recreation provisions of the NRMP and NPSFW, the following principles shall be adopted during the design, consenting and implementation of earthworks. These principles are complimentary to, and shall be adopted in conjunction with, the matters of control and discretion listed in earthworks rules REr.61, RUr.27 and OSr.49 of the NRMP.

9. As a result, I am satisfied that potential sediment-related effects can be appropriately minimised through the design and consenting process that will be necessary to authorise earthworks within the PPC28 area.
10. While my conclusions have not been dependent on more recent refinements to the proposal, I also note the updated Structure Plan and Indicative Masterplan. These illustrate the likely limitations on earthworks extents based on site constraints, and consequential amendments to the proposed zones.
11. I anticipate that the consenting and implementation of earthworks will be progressive, and I support a staged approach. It is also relevant that the PPC28 area within the Kākā Valley is predominantly owned by CCKV with a small area owned by BNL, integrated with the balance of its holding across the Bayview ridge. It is apparent that subdivision (including completion of earthworks for roads, services and lots) will need to be given effect before significant fragmentation of ownership occurs. This allows a high level of consenting control across the PPC28 area.
12. The Nelson Tasman Guideline is a recently promulgated document that represents current industry best practice, refined for Nelson City and the Tasman region. The principles and methods it promotes are well proven. Combined with the existing and proposed NRMP provisions, it provides a rigorous design and regulatory framework for managing earthworks.

¹ Nelson Tasman Erosion and Sediment Control Guidelines; July 2019

13. In my experience there is no single approach to the consideration of sediment-related development effects in greenfields plan changes. I have described two recent examples of plan changes in which I held a decision-making role. Both those where for development areas of a similar scale to that proposed for the Kākā Valley, on hilly land and discharging to sensitive receiving environments. Neither included sediment yield modelling. Both relied on future consenting of earthworks under existing plan provisions.
14. In my opinion the management and minimisation of potential sediment related effects can be appropriately managed through future consenting processes under the NRMP incorporating the existing and proposed provisions. No greater level of certainty would be achieved by undertaking indicative estimates and modelling of sediment yield at this time and is not necessary to inform the plan change process.
15. I agree with Mr Ridley and Ms McCabe (for Save the Maitai Inc) that the NRMP would be strengthened if provisions explicitly required best practice ESC measures for permitted activity earthworks. This a city and district wide matter which I anticipate can be addressed through the upcoming plan change required to give effect to the National Policy Statement for Freshwater Management. I understand this must be notified in 2024. Given that permitted activity scale (individual lot) earthworks within the PPC28 area are unlikely to occur for several years, I do not consider it necessary or appropriate to amend the permitted activity standards through the PPC28 process.