



Mackenzie
DISTRICT PLAN REVIEW
TOMORROW'S MACKENZIE
KA AWATEA HŌU

Section 42A Report: Plan Changes 23 – 27

Rezoning submissions and further submissions

Reply Report

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1. Purpose and Scope of Report

1. The purpose of this Reply Report is to outline where my recommendations regarding rezoning submissions on PC23-PC27 have altered as a result of the questions arising from the Hearing Panel, submitter evidence or matters traversed at the hearing. It also addresses other matters arising in submitter evidence or during the course of the hearing where I consider further comment may be of benefit to the Hearing Panel. As such, other than where stated in this Reply Report, my opinions and recommendations remain as set out in the Section 42A Report¹, the Response to Minute 13² and response to rebuttal evidence³.
2. For the avoidance of doubt, where I do not comment further, this is not because I have not carefully considered matters raised in any evidence and in the presentations made by submitters. Rather, I am not persuaded that there is a need to alter my recommendations from that in the Section 42A report, and my reasoning has not changed from what is set out therein.

2. Format of Report

3. This report is structured following the order of the matters set out in the Hearing Panel request. For the reasons noted above, it does not however traverse all matters/topics discussed at the hearing. The report responds to rezoning requests lodged by Johnson and McCabe (23.23), Morelea Farm (23.31) and Mackenzie Properties Limited (23.23).

3. Mackenzie Properties Limited

Natural Hazards

4. Canterbury Regional Council provided updated mapping and assessment of the Ostler Fault Hazard Area in 2023⁴. This sets out that fault rupture would significantly damage buildings and infrastructure that lie across the fault⁵.
5. Rebuttal evidence regarding natural hazard risk was presented by Dr Peter Forrest, and rebuttal planning evidence regarding the same was presented by Mr Andrew Ross. In terms of infrastructure, Mr Forrest's rebuttal accepted that "*the construction of the access road network and the conveyance of services across the FRZ [Fault Rupture Zone] does indeed put these assets at risk of damage at the time of any significant fault movement*"⁶, and "*with a combination of engineering design, and acceptance of risk associated with emergency repair and or reinstatement, the construction of this infrastructure across the FRZ should not preclude future low density residential development*". The Hearings Panel heard from Dr Forrest that the risk to MDC as an asset owner of roads and overhead transmission lines could be avoided by retaining

¹ Section 42A Report: Plan Changes 23 – 27 Report on rezoning submissions and further submissions, 3 May 2024.

² PC23 Section 42A Report Author's Response to Hearings Panel Questions.

³ Plan Changes 23 – 27, Summary of Changes in Response to Rebuttal Evidence, 27 May 2024.

⁴ Revised Ostler Fault mapping for the Mackenzie District Plan Technical Report, September 2023.

⁵ Section 4.2, Revised Ostler Fault mapping for the Mackenzie District Plan Technical Report, September 2023.

⁶ Paragraph 3.1 Rebuttal Evidence of Dr Forrest on Behalf of Mackenzie Properties Limited, Geological & Natural Hazards (Response To S42A Report), 15 May 2024.

these assets privately. Mr McLauchlan agreed that this would avoid the risk to MDC infrastructure.

6. Regardless of whether the road and overhead infrastructure is public or private, in my view there remains a risk to people and property that cannot be appropriately avoided or minimised as directed by Objective 11.2.1 of the CRPS. Mr Ross's rebuttal notes that "*if one were to apply Objective 11.2.1 in a strict manner, then any increase in risks from earthquakes must be avoided*"⁷. However, the objective directs that where avoidance is not possible, 'mitigation measures minimise such risks'. Mr Ross's rebuttal points to Policy 11.3.3 to guide that mitigation is acceptable, and "*provides a pathway for rezoning through the management of earthquake risk through mitigation*". Whilst I agree that mitigation is available as a risk management response where avoidance is not possible, in implementing the direction of Objective 11.2.2, mitigation must still ensure effects are minimised. My view is the rezoning as currently proposed, along with the subdivision plan provided, would not achieve Objective 11.2.1. Upzoning to increase density across a site where approximately half of that site is within the Ostler Fault Hazard Area would not appropriately achieve the Plans objectives.

Error in Response to Minute 13

7. During the hearing, Mr Ross noted that there was an error in the labelling of Appendix 1 in the Response to Minute 13. This incorrectly labelled the Lyford Lane RLZ and Manuka Terrace RLZ Areas as Nixons Road and Clayton Road. This error has been fixed, and Appendix 1 is updated and attached.

⁷ Paragraph 13 Rebuttal Evidence of Mr Ross on Behalf of Mackenzie Properties Limited, Planning (Response To S42A Report), 15 May 2024.

Figure 1: RLZ in Twizel

