

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

UNDER The Resource Management Act 1991

IN THE MATTER of appeals under clause 14(1) of the First Schedule to the Act

BETWEEN

**FEDERATED FARMERS OF NEW ZEALAND
(INCORPORATED) MACKENZIE BRANCH**
ENV-CHC-2009-000193

**HIGH COUNTY ROSEHIP ORCHARDS LIMITED AND
MACKENZIE LIFESTYLE LIMITED**
ENV-CHC-2009-000175

MOUNT GERALD STATION LIMITED
ENV-CHC-2009-000181

MACKENZIE PROPERTIES LIMITED
ENV-CHC-2009-000183

**MERIDIAN ENERGY LIMITED AND GENESIS ENERGY
LIMITED**
ENV-CHC-2009-000184

THE WOLDS STATION LIMITED
ENV-CHC-2009-000187

FOUNTAINBLUE LIMITED & OTHERS
ENV-CHC-2009-000190

**R, R AND S PRESTON AND RHOBOROUGH DOWNS
LIMITED**
ENV-CHC-2009-000191

HALDON STATION
ENV-2009-CHC-000192
Appellants

AND **MACKENZIE DISTRICT COUNCIL**

Respondent

**JOINT MEMORANDUM OF COUNSEL IN RELATION TO THE HAZARDS MAPPING
JURISDICTIONAL ISSUE**

DATED 15 DECEMBER 2015

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MAY IT PLEASE THE COURT:

- 1 This Memorandum is lodged jointly on behalf of Meridian Energy Limited (**MEL**), and the Mackenzie District Council (**Council**) in relation to the jurisdictional issue concerning the "hydro-electricity inundation hazard area" (**Hazard Overlay**) on Sheet 26 of the updated hazard maps for Plan Change 13 (**PC13**).
- 2 By way of background, an agreed position on new hazard provisions for PC13 was set out in a Joint Memorandum of interested parties dated 7 May 2015. The provisions included agreed hazard maps, subject to reassessment using LIDAR for areas within the ownership and control of Genesis Energy Limited. The mapping reassessment was completed in August 2015, and the updated hazard maps were filed with the Court on 4 September 2015.
- 3 Following the receipt and review of the updated hazard maps, Council identified a jurisdictional issue concerning the extent of the Hazard Overlay on land areas comprising the Pukaki-Twizel Airport Special Purpose (**Airport**) Zone, Hocken Lane Rural Residential Zone (**HLRR**) and part of the Residential 4 Zone (**Res 4**) north of Twizel township. This issue was subsequently raised at the Judicial Teleconference on the Hazards and Reverse Sensitivity PC13 appeal topics on 11 September 2015, and time was requested to enable the parties to discuss the issue.
- 4 In a Joint Memorandum of Counsel concerning the hazards and reverse sensitivity topics dated 9 November 2015, Council and MEL advised the Court that they had been unable to reach agreement and accordingly wished to refer the issue to the Court for determination on the papers. At the parties' request, the Court subsequently issued timetabling directions for the lodgement of a Statement of Agreed Facts and legal submissions (by Minute dated 12 November 2015).
- 5 Since then, the parties have continued to try and resolve the jurisdictional issue between them. The parties now agree that:
 - (a) Council will provide the hazard overlay information as part of any Land Information Memorandum request by prospective purchasers across land effected in the Airport, HLRR and part of the Res 4 Zones; and

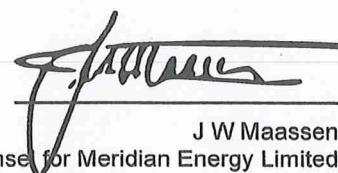
(b) Council staff will include the issue of hazards (including hazard mapping) in the Airport, HLRR and part of the Res 4 Zones on the agenda for its next District Plan review workshop session with Councillors, and at that time, seek the Councillors' views on the possible consideration of those issues as part of its District Plan review process, which is currently underway. This is particularly necessary in so far as the HLRR and Res 4 (part) Zones are concerned as the Council has previously resolved not to address those Zones and associated planning frameworks as part of its District Plan review process on the basis that they formed part of Plan Change 15 to the Mackenzie District Plan, which became operative in 2011.

6 Accordingly the parties seek that the jurisdictional issue be suspended until the outcome of those discussions are confirmed. The parties propose to report back to the Court on 12 February 2016 on the outcome of the Council's deliberation.

Dated: 15 December 2015



D C Caldwell / G C Hamilton
Counsel for the Respondent



J W Maassen
Counsel for Meridian Energy Limited

