



Mackenzie
DISTRICT PLAN REVIEW
TOMORROW'S MACKENZIE
KA AWATEA HŌU

**Section 42A Report: Plan Change 30 (and
Variation 2 to Plan Change 23, Variation 3 to
Plan Change 26, and Variation 3 to Plan
Change 27)**

**Part B:
Airport Special Purpose Zone
Glentanner Special Purpose Zone**

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 on PC30 have altered as a result of the pre-circulated questions from the Hearing Panel, submitter evidence received, or matters traversed at the hearing. It also addresses the specific questions identified by the Hearings Panel, as well as other matters arising 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 and in the Response to Questions from the Hearing Panel set out in Minute 6².
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 as set out in the Section 42A Report, and my reasoning set out therein has not changed.
3. There are primarily two matters that I wish to make comment on in this Reply Report:
 - a) **AIRPZ:** Meridian Energy Limited's (Meridian's) various submissions on the AIRPZ provisions as set out on pages 26 to 40 of the planning evidence of Ms Susan Ruston.
 - b) **GSPZ:** the submissions from Glentanner Airport Ltd and Glenatanner Station Ltd (collectively referred to as Glentanner) relating to the recommended change to **GSPZ-R12** to include additional restrictions on the use of rocket powered aircraft at Glentanner Airport.

2. Format of Report

4. This report is structured on a topic basis. For the reasons noted above, it may not traverse all matters/topics discussed at the hearing.
5. An up to date set of the changes recommended to provisions are contained in **Appendix 1** to this Reply Report. **Appendix 2** includes 'Recommended Mapping Changes', which matches that version attached to the Section 42A Report. No additional changes are recommended to the mapping of either the AIRPZ or GSPZ, or the GSPZ Structure Plan.
6. The Chapters in **Appendix 1** incorporate the recommendations made in the Section 42A Report, any changes referred to in the Response to Minute 6, and any further changes as recommended in this Reply Report. Changes recommended in the Section 42A Report are shown by way of ~~strikeout~~ and underlining. Changes recommended in the Response to Minute 6 and in this Reply Report are shown by way of ~~red~~~~strikeout~~ and red underlining. Changes previously recommended to be deleted but now reinstated are shown in red without underlining. Changes previously recommended to be added but now recommended not to be included are shown in red ~~strikeout~~ with black underlining. Footnoted references to the relevant submitter(s),

¹ Section 42A Report Part B: Plan Change 30 (and Variation 2 to Plan Change 23, Variation 3 to Plan Change 26, and Variation 3 to Plan Change 27) Airport Special Purpose Zone and Glentanner Special Purpose Zone, dated 24 April 2025.

² Section 42A Reporting Officers' Response to Hearings Panel Questions, 20 May 2025.

and where applicable, submitter evidence, identify the scope for each recommended change; or otherwise identify the statutory basis for change.

7. Where required, an evaluation under s32AA of the RMA is included for any further changes now being recommended.

3. AIRPZ Chapter

Panel Questions

8. There are no specific Hearing Panel questions in relation to this chapter.

Hydro-Inundation at Pūkaki Airport

9. Meridian's submissions on the AIRPZ provisions raise concerns regarding the nature and scale of activities that could be established in the AIRPZ. Specifically these concerns relate to the potential risks associated with the Pūkaki Airport being located in the Hydro Inundation Hazard Overlay, and the subsequent concern to ensure the safety of people and property. However, rather than focus on the provisions of the Hydro Inundation (HI) chapter, Meridian seeks changes to the AIRPZ to apply a different set of rules to the Pūkaki Airport (being the only airport within the Hydro Inundation Hazard Overlay). In my view the changes being sought relate more directly to the HI chapter, and any changes as a result of the Meridian submissions should more appropriately be made within that (HI) chapter.
10. Ms Ruston's evidence states that the AIRPZ provisions (objectives, policies and rules) do not give effect to **HI-O1** and **HI-P1** (as well as higher order documents). In my view there is no requirement for the AIRPZ provisions to directly give effect to those provisions; that is the purpose of the HI chapter, which includes more specific provisions to achieve those policy outcomes.
11. The approach sought by Ms Ruston toward the AIRPZ provisions contrasts with that of the other zonings within the Hydro Inundation Hazard Overlay (namely GRUZ and RLZ). For example, Ms Ruston's evidence refers to the HI provisions applying within the GRUZ, including the additional rule sought by Genesis (**HI-R1 & HI-R1A**). My point is that these are rules within the HI chapter relating to activity undertaken within the GRUZ in order to give effect to the HI policy framework. Without commenting on the merits of those provisions (which I have not considered), from a plan architecture/structure this is appropriate; and contrasts with the changes sought by Ms Ruston when it comes to rules within the AIRPZ chapter (and specifically within the Hydro Inundation Hazard Overlay) to give effect to the HI policy framework.
12. As acknowledged by Ms Ruston, Meridian's relief sought treats activities at the Pūkaki Airport differently from those at Lake Tekapo Airport, since the latter is not located in the Hydro Inundation Hazard Overlay³. Ms Ruston's evidence goes onto state that Meridian's relief seeks to narrow the nature and scale of activities that could be undertaken at the Pūkaki Airport

³ Evidence of Susan Ruston , paragraph 71.

within the AIRPZ chapter. However, in my view the changes set out therein go beyond that. The changes include AIRPZ policy changes (namely to **AIRPZ-O1**) to make direct reference to the Hydro Inundation Hazard Overlay. In my view this conflates the issues directly relevant to the AIRPZ with those of the HI Chapter. The suggested wording would create an inconsistency in terms of how issues are dealt with and in my view be inconsistent with the direction set out in the National Planning Standards (Clause 7.10 states that *“If provisions relating to natural hazards are addressed (except coastal hazards), they must be located in the Natural hazards chapter”*).

13. In summary, I am of the view that the AIRPZ zone provisions themselves do not need to be consistent with the outcomes sought by the HI chapter. This planning situation is no different to the GRUZ provisions not necessarily giving effect to the policy framework set out in the Natural Features and Landscapes (NFL) chapter. In that case the NFL chapter includes specific and often more restrictive provisions to achieve the particular policy outcomes applying within an Outstanding Natural Landscape (ONL) Overlay.
14. I note that any non-compliance with either of **AIRPZ-R3** ‘Residential Units and Residential Activity’, **AIRPZ-R4** ‘Staff Accommodation’, or **AIRPZ-R5** ‘Aviation Related Visitor Accommodation’ results in the requirement for a resource consent with a fully discretionary (DIS) activity status. In that situation the policy framework set out in the HI chapter would remain a relevant consideration for the assessment and determination of any such consent application within the Hydro Inundation Hazard Overlay affecting Pūkaki Airport.
15. It is acknowledged that the resulting activity status for any non-compliance with rule **HI-R3** ‘Residential Visitor Accommodation’ is non-complying (NC); and it is this stricter activity status that is sought by Meridian in relation to each of rules **AIRPZ-R3**, **AIRPZ-R4**, **AIRPZ-R5** and **AIRPZ-R8** ‘Activities not Otherwise Listed’.
16. Should the Hearing Panel consider that a NC activity status is necessary to be consistent with how other accommodation type activities are treated within the Hydro Inundation Hazard Overlay, then I recommend any such changes are made to the HI chapter rather than the AIRPZ. However, I note that non-compliance with **HI-R2** applying to ‘Residential Units’ within the Hydro Inundation Hazard Overlay results in a DIS activity status. On that basis the relief sought by Meridian in terms of **AIRPZ-R3** is inconsistent with how the existing HI chapter treats residential activity within the Hydro Inundation Hazard Overlay. Therefore, I do not recommend any changes to either **HI-R2** or **AIRPZ-R3**, as they both currently result in a DIS activity status.
17. In terms of the rule relating to ‘Activities not Otherwise Listed’, I do not recommend this change is made to the HI chapter, as it would result in numerous activities becoming NC across the Hydro Inundation Hazard Overlay that do not otherwise create any additional risk to the safety of people and property. This outcome would not be an efficient or effective provision in terms of section 32 of the RMA.
18. Overall, for the reasons outlined above, I do not recommend that any changes are made within the AIRPZ chapter. I recommend the changes sought by Meridian to make all staff and visitor

accommodation activities NC within the Hydro Inundation Hazard Overlay are made within the HI chapter. I have set out below how these changes could be made. However, as I am not the author of the HI chapter I have not made a formal recommendation in this regard. Notwithstanding, I have discussed this issue and proposed changes with Ms Justice, and understand that a formal recommendation is included within the PC28 Part A Reply Report dealing with Hazards and Risks.

<u>HI-R4</u>	<u>Staff Accommodation</u>	
<u>AIRPZ within the Hydro Inundation Hazard Overlay</u>	<u>Activity Status: PER</u> <u>Where:</u> 1. <u>AIRPZ-R4 is complied with.</u>	<u>Activity status when compliance is not achieved with R4.1: NC</u>
<u>HI-R5</u>	<u>Aviation Related Visitor Accommodation</u>	
<u>AIRPZ within the Hydro Inundation Hazard Overlay</u>	<u>Activity Status: PER</u> <u>Where:</u> 1. <u>AIRPZ-R5 is complied with.</u>	<u>Activity status when compliance is not achieved with R5.1: NC</u>

Application of Restrictions on Residential Activity

19. The evidence of Ms Ruston identifies an issue with how the restrictions set out in each of rules **AIRPZ-R3**, **AIRPZ-R4** and **AIRPZ-R5** are applied. The evidence notes that the AIRPZ provisions do not limit the number of permitted airport buildings that can be established on a site, and the floor area and occupancy limits in the permitted activity conditions do not specify whether they apply per site or per airport building⁴.
20. It should be noted that the issue raised in evidence is slightly different to that addressed in the Section 42A Report. The latter addressed the relief sought that the maximum occupancy of an airport building be limited to a combined total of not more than 6 people per night, made up of residential persons, staff and aviation related visitors.
21. For the reasons already discussed in the Section 42A Reporting Officers' Response to Hearings Panel Questions, I consider this issue is restricted to **AIRPZ-R4** and **AIRPZ-R5**. This is because no occupancy limit was recommended in relation to 'residential activity' as managed by **AIRPZ-R3**.
22. The provisions as drafted are structured as follows:
 - a) *The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m²; and*
 - b) *The maximum occupancy does not exceed six guests per night.*

⁴ Evidence of Susan Ruston , paragraph 95.

23. In my view these provisions are drafted on a ‘per building’ basis, but acknowledge this could be made more explicit within the second part of the provision to make this clearer (noting this second part of the provision appears in **AIRPZ-R4** and **AIRPZ-R5** only).

24. There is a difficulty with how to limit the application of these provisions (on either a per site or per building basis). This relates to the difference in tenure between the two airports making up the AIRPZ. Pūkaki Airport is made up of numerous freehold sites ranging from approximately 1,000 to 2,000m², each held in their own Record of Title. A much larger balance title is held by the Mackenzie District Council. All of the existing developed freehold sites include only a single airport building (being a hangar). In contrast, Lake Tekapo Airport is a single large site held in the same ownership. Approximately eight individual airport buildings are established on the single site, ranging from small storage sheds to larger aircraft hangar buildings.

25. On that basis I prefer the application of the rules remain to be expressed on a ‘per building’ basis as already included in the provisions as drafted. Given the tenure arrangement at Lake Tekapo Airport, I do not consider it appropriate, practical or justified to limit the number of airport buildings that can be established per site (as recommended by Ms Ruston). As can be seen in the aerial photograph in Figure 1 below, the pattern of subdivision within the Pūkaki Airport is such that in practical terms only one airport building can be established per site.



Figure 1: Aerial Photographs of Pūkaki Airport showing the number of airport buildings per site.

26. Otherwise, I do not consider that the demand for either residential, staff accommodation or aviation related visitor accommodation is sufficient to encourage the construction of additional ‘airport buildings’ in order to facilitate the ability to undertake such uses (including at Lake Tekapo Airport). The definition of ‘airport building’ means that it must be primarily “constructed for the purpose of conducting an airport activity”. In my view this provides sufficient control to prevent buildings being constructed to primarily achieve an accommodation purpose.

Recommendations:

27. I recommend that the second clause of **AIRPZ-R4** and **AIRPZ-R5** is amended to make it explicit that the maximum occupancy per night applies per building, as follows:

AIRPZ-R4.2 'Staff Accommodation':

The maximum building occupancy does not exceed six staff per night.

AIRPZ-R5.2 'Aviation Related Visitor Accommodation':

The maximum building occupancy does not exceed six guests per night.

28. I recommend that the same changes are made to the GSPZ Chapter as a consequential change as so as retain consistency across the plan in accordance with Clause 10(2)(b), Schedule 1 of the RMA, as follows:

GSPZ-R11.2 'Staff Accommodation':

The maximum building occupancy does not exceed six staff per night.

GSPZ-R14.2 'Aviation Related Visitor Accommodation':

The maximum building occupancy does not exceed six guests per night.

29. The recommended amendments are set out in **Appendix 1**.
30. In terms of a section 32AA evaluation, the recommended amendments are to provide greater clarity, do not alter the general intent and therefore the original section 32 evaluation still applies.

4. GSPZ Chapter

Panel Questions

31. There are no specific Hearing Panel questions in relation to this chapter.

GSPZ-R12

32. The key aspect of the legal submissions and evidence presented on behalf of Glentanner that I wish to address in this Reply Report relates to the recommended change to **GSPZ-R12** managing the use of rocket powered aircraft⁵.
33. The change was recommended as a result of submissions received from the Department of Conservation (DOC) and Forest and Bird (F&B). The issue raised in submissions was known at the time of plan drafting, but not included in the notified version of PC30 as there was no evidence provided at that time to support such a control. Mr Ross Ivey (Director of Glentanner

⁵ It is noted that the error in the Section 42A Report regarding the extent of the Kakī / Black stilt breeding season has already been addressed in legal submissions and at the Hearing itself.

Airport Ltd and Glentanner Station Ltd) clarified at the hearing that Glentanner opposes the recommended changes included in the Section 42A Report.

34. The recommended changes were partly based on the ecological advice received in relation to observations made during a rocket take-off in July 2024. It was noted during the course of the Hearing that the qualifications and experience of those persons that undertook the observations and authored the Memorandum were not provided. I have attached as **Appendix 3** a short statement setting out this information for the benefit of the Hearing Panel.
35. At the hearing Mr Ivey referred to the operational difficulties the recommended changes to **GSPZ-R12** would have on the existing activities, in terms of both the restricted hours and frequency of use. Mr Ivey explained that the use of the rocket powered aircraft typically occurs either in the early morning or evening; and that this is desirable as it is when conditions are most suitable and also avoids the peak tourist aircraft movements undertaken from Glentanner Airport. Mr Ivey also addressed the scale of the activity currently undertaken, and confirmed that typically more than one flight would be undertaken within a 24-hour period when conditions are suitable.
36. As set out in the Section 42A Report⁶, it is important to note that the aviation activity currently undertaken at Glentanner Airport utilising rocket powered aircraft is permitted under the operative MDP. This means that regardless of any changes made to the GSPZ provisions, rocket powered aircraft may continue to use Glentanner Airport to the extent provided for in accordance with section 10 of the RMA (existing use rights). To that extent the restrictions put forward in the version of **GSPZ-R12** recommended in the Section 42A Report may not result in any change or reduction of such flights during the Kakī / Black stilt breeding season where existing operations continue in accordance with section 10 of the RMA. Legal Counsel for Glentanner suggested that this situation limits the appropriateness of the recommended changes. I note the legal considerations are further addressed in the accompanying legal submissions of Mr Garbett for the Council.
37. The potential conflict with tourist operations created by the recommendation is acknowledged. From an operational perspective it is desirable to reduce potential conflicts between aircraft; and it is not intended to create a situation whereby operational health and safety requirements are made more difficult.
38. Any restriction on the frequency of flights is also not straightforward, as it is acknowledged in the Memorandum received that Kakī / Black stilt will generally become accustomed to noise/movements that are regular (but turn out to be non-threatening) and reduce their response to these over time (as they appear to have done with helicopter movements in the area). Should the use of rocket powered aircraft become more frequent, it seems likely that Kakī / Black stilt would similarly become accustomed to the disturbance and less likely to initiate a threat response over time.

⁶ PC30 Section 42A Report Part B, paragraph 135.

39. Overall, I recommend that the restrictions on hours of operation previously recommended for inclusion as part of the Section 42A Report be removed. In terms of frequency, I now consider that one launch every 24 hours to be too restrictive based on the current level of activity, and recommend that this be increased to allow at least two launches (take-off and landing movements) over any 24-hour period.
40. It is acknowledged that these changes might go so far as to put in issue the utility of the recommended provision. Should the Hearing Panel find that to be the case, then I would recommend that the changes recommended in the Section 42A Report be dispensed with, and the provision revert back to that included in PC30 as notified.

Recommendations:

41. I recommend that **GSPZ-R12** is amended to remove the restriction on the hours during which rocket powered aircraft can be used during the Kakī / Black stilt breeding season, to increase the number of launches than can occur within any 24-hour period, and to correct the error regarding the extent of the breeding season, as follows:

GSPZ-R12.2 'Airport Activity':

The use of rocket powered aircraft during the Kakī / Black stilt breeding season, being December through to August through to December (inclusive), is restricted to no more than one two launches in any 24-hour period taking place between the hours of 9:00am to 3:00pm.

42. The recommended amendments are set out in **Appendix 1**.
43. In terms of a section 32AA evaluation, the recommended amendments seek to achieve the appropriate balance between the on-going use of the Glentanner Airport for aviation purposes whilst seeking to protect the breeding success of the Kakī / Black stilt, being a critically endangered species. In all other respects the section 32AA evaluation included in the Section 42A report still applies.