

Springwater Trust (ST)

Submission to Mackenzie District Council (MDC) on Plan Change 28 (PC)

Introduction

This paper submits on the PC, as requested by MDC for ratepayers to submit on the PC prior to 22 January 2025.

Background

ST has two properties located on Lyford Lane, 140c Lyford Lane and 147 Lyford Lane, located in the Hocken/Lyford Lane Rural Residential Zone (**the Zone**).

ST is therefore particularly interested in the PC

ST's Submission

1. PC intends to designate Residential Visitor Accommodation (**RVA**) as a non-complying activity (**NCA**) requiring a resource consent, where a property is located within a Rural Lifestyle Zone (**RLZ**) with a Hydro Inundation (**HI**) overlay.
2. RVA is already designated a NCA within the Zone.
3. ST submits that NCA for RVA within the Zone and within HI areas generally should be changed to a permitted activity subject to the following rules:
 - That a Community Response Plan is completed in conjunction with Civil Defence and is made available to visitors upon arrival at the accommodation
 - That the visitor accommodation has clearly displayed the actions required in the event of HI
4. ST's rationale is that requiring a NCA is bureaucratic over-reach that wastes time for the MDC, imposes significant cost on the ratepayer, and unfairly restricts property rights within the Zone. ST assumes that a resource consent would be granted if the provisos detailed in point 3 above were in place, so why not just stipulate them in the PC and remove the costly and time-consuming resource consent process?
5. ST contends that the Mackenzie district needs visitor accommodation to support its tourism growth objectives and flow on economic benefits – please stop putting un-necessary barriers in its way

Address for Service

Name: Springwater Trust (Ray Parker); Address: PO Box 328, Twizel 7944

Mobile 021914186; e-mail: ray@hugoandbland.co.nz

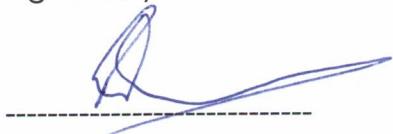
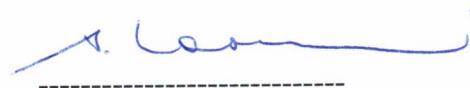
Other Process Issues

We acknowledge that the information above and all other information provided in this submission will be made publicly available.

We wish to be heard in support of your submission

If others make a similar submission, We are prepared to consider presenting a joint case with them at any hearing

Signed by the Trustees

A handwritten signature in blue ink, appearing to read 'A. [unclear]'. It is written over a horizontal dashed line.A handwritten signature in blue ink, appearing to read 'A. [unclear]'. It is written over a horizontal dashed line.

23 December 2024

Springwater Trust (ST)

Submission to Mackenzie District Council (MDC) on Plan Change 28 (PC)

Introduction

This paper submits further on the PC, as requested by MDC for ratepayers to submit on the PC prior to 22 January 2025. It is in addition to our submission dated 23 December 2024.

Background

ST has two properties located on Lyford Lane, 140c Lyford Lane and 147 Lyford Lane, located in the Hocken/Lyford Lane Rural Residential Zone (**the Zone**).

ST is therefore particularly interested in the PC

ST's Submission

1. PC 28 will include mapping which shows Lyford Lane directly in line for flooding from Hydro Inundation because of a breach of the Pukaki Inlet Dam (where the lake feeds into Pukaki Canal) or multiple failures of the Pukaki canal structure. This Hydro inundation flooding could “possibly” happen in the event of an Ostler Fault earthquake greater than magnitude 7 or an Alpine Fault earthquake of magnitude 8.
2. Meridian used a consulting company Damwatch to model worst case consequence scenarios of canal and dam failure. Meridian have had updated modelling completed and are required by Environment court decree to share this information with landowners and MDC, and MDC as regulatory body must manage/mitigate this risk to people and property from Hydro Inundation.
3. While the Hazard mapping indicates severe consequences of a canal/dam breach failure, Meridian considers the risk of this happening is extremely unlikely and their main concern is that the MDC have an emergency evacuation plan. MDC through Joe Rush has developed this plan and provided it to residents.
4. MDC has failed to set out the risk assessment that clarifies the actual risk of an inundation event happening. Risk being the function of the consequences of the event and the likelihood of it happening. The Damwatch reports all talk of the consequences of an inundation event being a risk to property and human life. The reports specifically say that they only report on consequence not likelihood but that the likelihood is very low, low, extremely low etc.

5. MDC have not demonstrated a robust understanding of the likelihood of an inundation event occurring. It could be a 1-500-year event, 1 in 10,000-year event, or a 1 in 30,000-year event. MDC do not know.
6. Damage is deemed most likely related to an earthquake on the Ostler or Alpine Faults. But there is research modelling based on the Tekapo canal structure that suggests that even if a large earthquake occurs this is unlikely to result in catastrophic damage to the hydro infrastructure.
7. MDC are required to take a risk-based approach to planning but in this case, MDC are wrongly following a consequence approach. This is like saying a meteorite could hit Twizel and do lots of damage therefore we should not build in Twizel.
8. MDC have not provided any of their policy assessment documentation, internal correspondence or discussion papers that sit behind the inundation proposal
9. In all of their publicly available information MDC talk of the risk of inundation but have no robust understanding of the risk. All documentation uses words such as, unlikely, extremely unlikely, very unlikely, rare etc but with no quantification of what these words mean.
10. Despite not knowing any timeframe or actual likely damage to the canal/dam structure from an earthquake event MDC are putting in place an inundation overlay into the District Plan that has the potential to raise issues with insurance, affect property values and restricts what owners can do with our property, change foundation heights, additional dwellings, accommodation etc. This is all based on a worst-case scenario that might or might not happen.
11. The Hydro Inundation Hazard mapping in the District plan could result in the following:
 - a. Insurance premium hikes
 - b. Issues getting mortgages with banks on land with District Plan hazard overlays
 - c. Loss of value of land and buildings if potential buyers of land/houses on Lyford Lane, are discouraged by the seemingly catastrophic consequences of hydro inundation, and if banks become reluctant to lend to build on the land
 - d. Building restrictions and activity restrictions that the council may impose under regulatory controls to mitigate the risk of loss of life and property in the unlikely event of Pukaki Dam Breach.
12. At the minimum the MDC need to understand the risk. To do this MDC need to not just rely on a worst-case scenario of something bad

happening but must understand the likelihood of it happening before limiting ratepayers' property rights.

13. Once MDC understand the risk this needs to be clearly documented in all correspondence to ratepayers, in the District Plan and all planning decisions, and in LIMS. It is not acceptable to make major planning changes based on something bad happening and rely on the unquantified words "very unlikely", "extremely unlikely" as the basis of a risk assessment
14. To meet the requirement for a risk-based approach to managing hazards MDC should have a robust understanding of the likelihood of consequences occurring.
15. MDC have known about the inundation issue for a long since 2015 but did not include it in LIMS or the District Plan. Consequently, we did not know about hydro inundation potential when we purchased via our LIM and we feel MDC may have failed to inform us, given that information was known a long time ago. MDC have been remiss and that may have legal implications if PC 28 proceeds as currently drafted

Address for Service

Name: Springwater Trust (Ray Parker); Address: PO Box 328, Twizel 7944

Mobile 021914186; e-mail: ray@hugoandbland.co.nz

Other Process Issues

We acknowledge that the information above and all other information provided in this submission will be made publicly available.

We wish to be heard in support of your submission

If others make a similar submission, we are prepared to consider presenting a joint case with them at any hearing

Signed by the Trustees



15 January 2025