

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

MAB
consent order
re Hydro
Inundation.

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of the First Schedule of the Act
BETWEEN FEDERATED FARMERS OF NEW ZEALAND (INCORPORATED) MACKENZIE BRANCH
(ENV-2009-CHC-193)
MOUNT GERALD STATION LIMITED
(ENV-2009-CHC-181)
MACKENZIE PROPERTIES LIMITED
(ENV-2009-CHC-183)
MERIDIAN ENERGY LIMITED AND GENESIS ENERGY LIMITED
(ENV-2009-CHC-184)
THE WOLDS STATION LIMITED
(ENV-2009-CHC-187)
FOUNTAINBLUE LIMITED & OTHERS
(ENV-2009-CHC-190)
RHOBOROUGH DOWNS LIMITED & OTHERS
(ENV-2009-CHC-191)
HALDON STATION
(ENV-2009-CHC-192)
Appellants
AND MACKENZIE DISTRICT COUNCIL
Respondent



Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 11 May 2018

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeals are allowed to the extent that the Mackenzie District Council is directed:

Farm Base Areas

(1) to amend Appendix R of the Mackenzie District Plan as follows:

- (a) confirming the Farm Base Area for Glentanner (north and south);
- (b) amending the Farm Base Areas for:
 - (i) Balmoral;
 - (ii) Ben Ohau;
 - (iii) Bendrose;
 - (iv) Black Forest;
 - (v) Braemar;
 - (vi) Ferintosh 1 (south) and Ferintosh 2 (north);
 - (vii) Glen Lyon;
 - (viii) Godley Peaks;
 - (ix) Grampians;
 - (x) Grays Hills;
 - (xi) Guide Hill;
 - (xii) Haldon Station;
 - (xiii) Irishman Creek;
 - (xiv) Lilybank;
 - (xv) Mt Cook;
 - (xvi) Mt Gerald;
 - (xvii) Mt Hay;
 - (xviii) Omahau Downs;
 - (xix) Sawdon 1 (east) and Sawdon 2 (west – only the large FBA);



- (xx) Simons Hill;
- (xxi) Simons Pass;
- (xxii) Tasman Downs;
- (xxiii) The Wolds – Homestead and Windy Ridges
- as set out in Annexure A, attached to and forming part of this order;
- (c) amending the Farm Base Area for Pukaki Downs
 - as set out in Annexure B, attached to and forming part of this order;

Hazard and reverse sensitivity

- (2) to amend Section 7 Rural Zone and 13 Subdivision, Development and Financial Contributions
 - as set out in Annexure C, attached to and forming part of this order;
- (3) to insert a new Appendix, the series of maps entitled "Hydro-Electricity Inundation Hazard Area Maps"
 - as set out in Annexure D, attached to and forming part of this order.

B: The appeals are otherwise dismissed.

C: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This order relates to the Mackenzie District Council's ("the Council") decision on proposed Plan Change 13 ("PC13") to the Mackenzie District Plan and concludes these proceedings by resolving the two remaining topics:

- (a) Farm Base Areas ("FBAs"); and
- (b) Hazard and reverse sensitivity.



[2] The court has now read and considered the consent memoranda of the parties:

- (a) FBAs, dated 20 April 2018; and
- (b) Hazard and Reverse Sensitivity, dated 15 March 2016.¹

Other relevant matters

[3] All parties to the proceeding have signed the memoranda setting out the relief sought.

[4] With regard to the Hazard and Reverse Sensitivity topic, it is recorded that, while Federated Farmers of New Zealand (Incorporated) Mackenzie Branch is not a section 274 party to appeal ENV-2009-CHC-184, it has signed the consent memorandum given its interest in the issues arising in the appeal, its involvement in the Environment Court assisted mediation and subsequent discussions between the parties.²

Background (Farm Base Areas)

Remaining Farm Base Areas

[5] By decision dated 15 December 2017 ("Thirteenth Decision")³ the court:

- (a) confirmed Appendix R of the Mackenzie District Plan ("Plan") in respect of the following FBAs:
 - (i) Curraghmore;
 - (ii) Glenmore;
 - (iii) Glenrock;
 - (iv) Holbrook;
 - (v) Rhoborough Downs;
 - (vi) Richmond; and
 - (vii) Streamlands.
- (b) amended Appendix R of the Plan in respect of the following FBAs:
 - (i) Maryburn; and
 - (ii) Pukaki Downs.

¹ This Consent Memorandum has been kept on the file awaiting resolution of other issues.

² Consent Memorandum dated 15 March 2016, at [2].

³ [2017] NZEnvC 203.



The remaining FBAs are yet to be confirmed or otherwise in Appendix R of the Plan.

[6] The court understands for present purposes that:

- (a) the Council undertook consultation and site visits in respect of the remaining FBAs, most recently in November and December 2017. The Council provided its report to landowners and parties on 22 December 2017;
- (b) as an outcome of consultation with PC13 parties, the Council understood the following remaining FBAs set out in its report were opposed by the following parties:⁴
 - (i) Ben Ohau, Black Forest and Omahau Downs (Option 1) FBAs – opposed by Meridian Energy Limited ("Meridian"); and
 - (ii) Windy Ridges FBA at The Wolds Station ("WRFBA") – opposed by Council.
- (c) in January 2018, applications for amended or further FBAs were received by:
 - (i) The Wolds Station Limited ("The Wolds") – WRFBA;⁵
 - (ii) N & C Lyons Family Trust – Omahau Downs FBA;⁶ and
 - (iii) Ben Ohau Farming Trust – Ben Ohau FBA (Option 1).⁷
- (d) no other applications for amended or new FBAs have been received;
- (e) Meridian now agrees to the amended FBAs for Ben Ohau, Bendrose and Black Forest;⁸
- (f) Meridian and the N & C Lyons Family Trust have reached an agreement with regards to the Omahau Downs FBA⁹; and
- (g) following a site visit by the Council's ecology expert on 8 February 2018, the Council and The Wolds have reached an agreement with regards to the WRFBA.¹⁰

⁴ Memorandum of counsel for Council, dated 22 December 2017, at [23.1] and Appendix, para [4.19(b)].

⁵ Application dated 19 January 2018.

⁶ Application dated 19 January 2018.

⁷ Application dated 26 January 2018.

⁸ Memorandum of Counsel for Meridian Energy Limited, dated 2 February 2018, at [2].

⁹ Memorandum of counsel for Meridian Energy Limited, dated 3 April 2018, at [1].

¹⁰ Joint memorandum of counsel, dated 12 March 2018.



[7] The court further understands that the Council, having received no further correspondence from the landowners, considers there are no remaining FBAs in contention.¹¹

[8] The remaining FBAs requiring confirmation or amendment are as follows:

- (a) Balmoral;
- (b) Ben Ohau;
- (c) Bendrose;
- (d) Black Forest;
- (e) Braemar;
- (f) Ferintosh 1 (south);
- (g) Ferintosh 2 (north);
- (h) Glen Lyon;
- (i) Glentanner (north and south);
- (j) Godley Peaks;
- (k) Grampians;
- (l) Grays Hills;
- (m) Guide Hill;
- (n) Haldon Station;
- (o) Irishman Creek;
- (p) Lilybank;
- (q) Mt Cook;
- (r) Mt Gerald;
- (s) Mt Hay;
- (t) Omahau Downs;
- (u) Sawdon 1 (east);
- (v) Sawdon 2 (west);
- (w) Simons Hill;
- (x) Simons Pass;
- (y) Tasman Downs;
- (z) The Wolds – Homestead; and
- (aa) The Wolds – Windy Ridges.



¹¹ Joint memorandum of counsel, dated 20 April 2018, at [21].

Pukaki Downs FBA

[9] The Pukaki Downs FBA was amended by Order B(2) of the Court's Thirteenth Decision in these proceedings.¹²

[10] The Pukaki Downs FBA requires amendment of a mapping error for the reasons set out in the consent memorandum of the parties dated 20 April 2018.¹³ The amendment essentially involves a redrawing of the boundary to follow the topside of the lake escarpment.

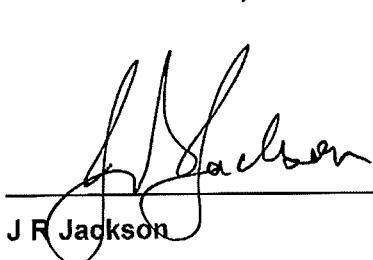
[11] The court understands for present purposes that:

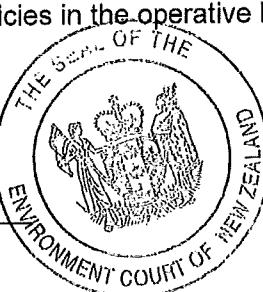
- (a) the Council and Pukaki Downs Tourism Holdings Partnership agree to the correction; and
- (b) both parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction.

Orders

[12] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2 as particularised in the objectives and policies in the operative Mackenzie District Plan.


 J R Jackson
 Environment Judge

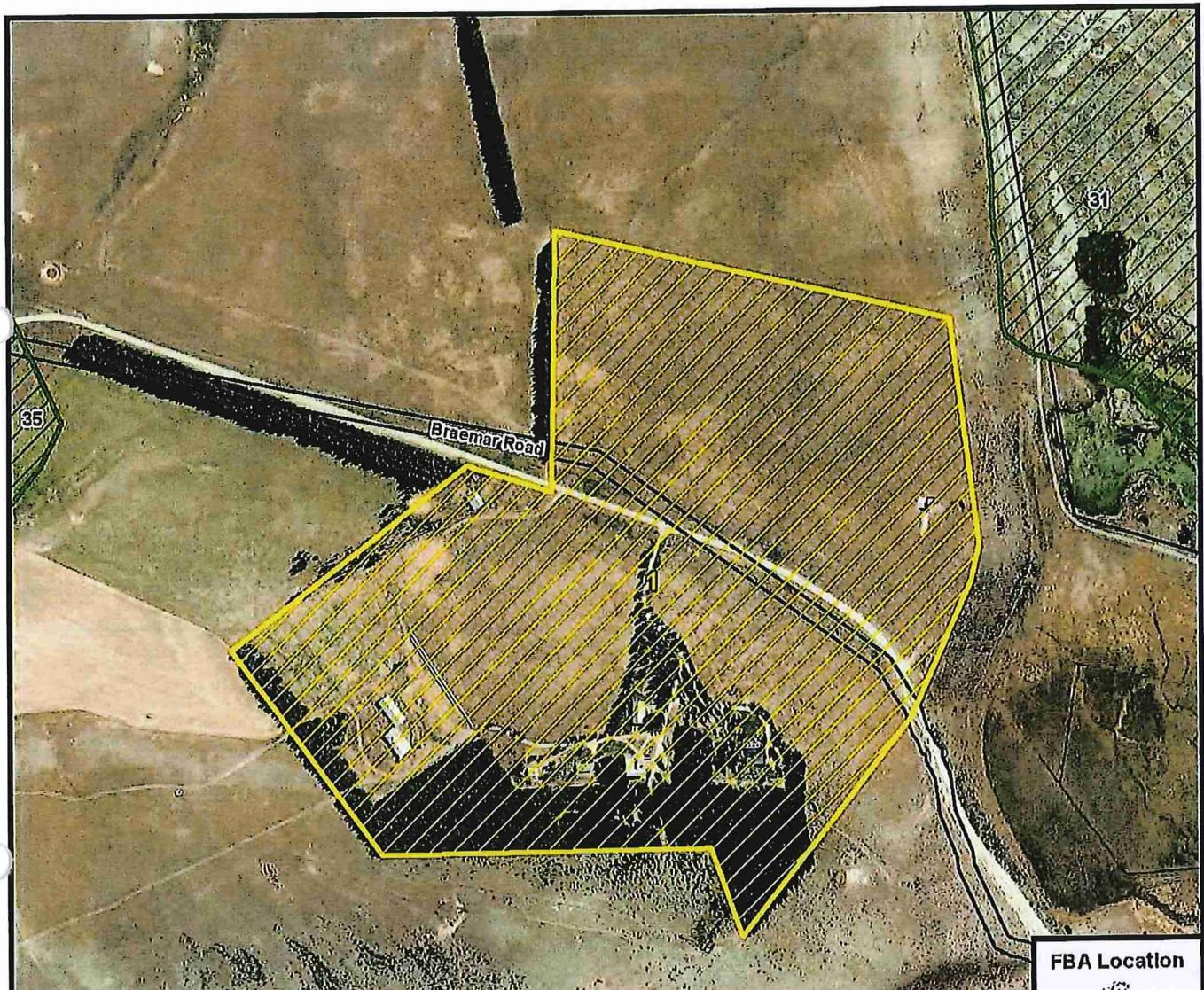

 THE SEAL OF THE
 ENVIRONMENT COURT OF NEW ZEALAND

¹² *Federated Farmers of New Zealand (Inc) Mackenzie Branch v Mackenzie District Council [2017] NZEnvC 203.*

¹³ At paras [23]-[26].

Annexure A – FBAs to be confirmed or amended in Appendix R

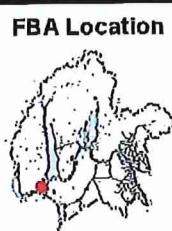
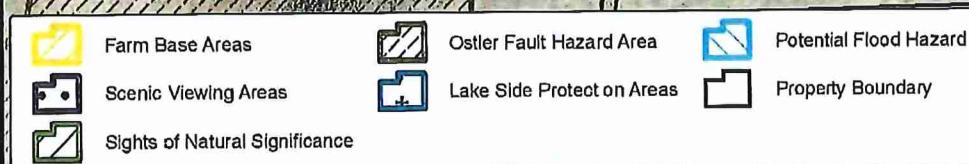
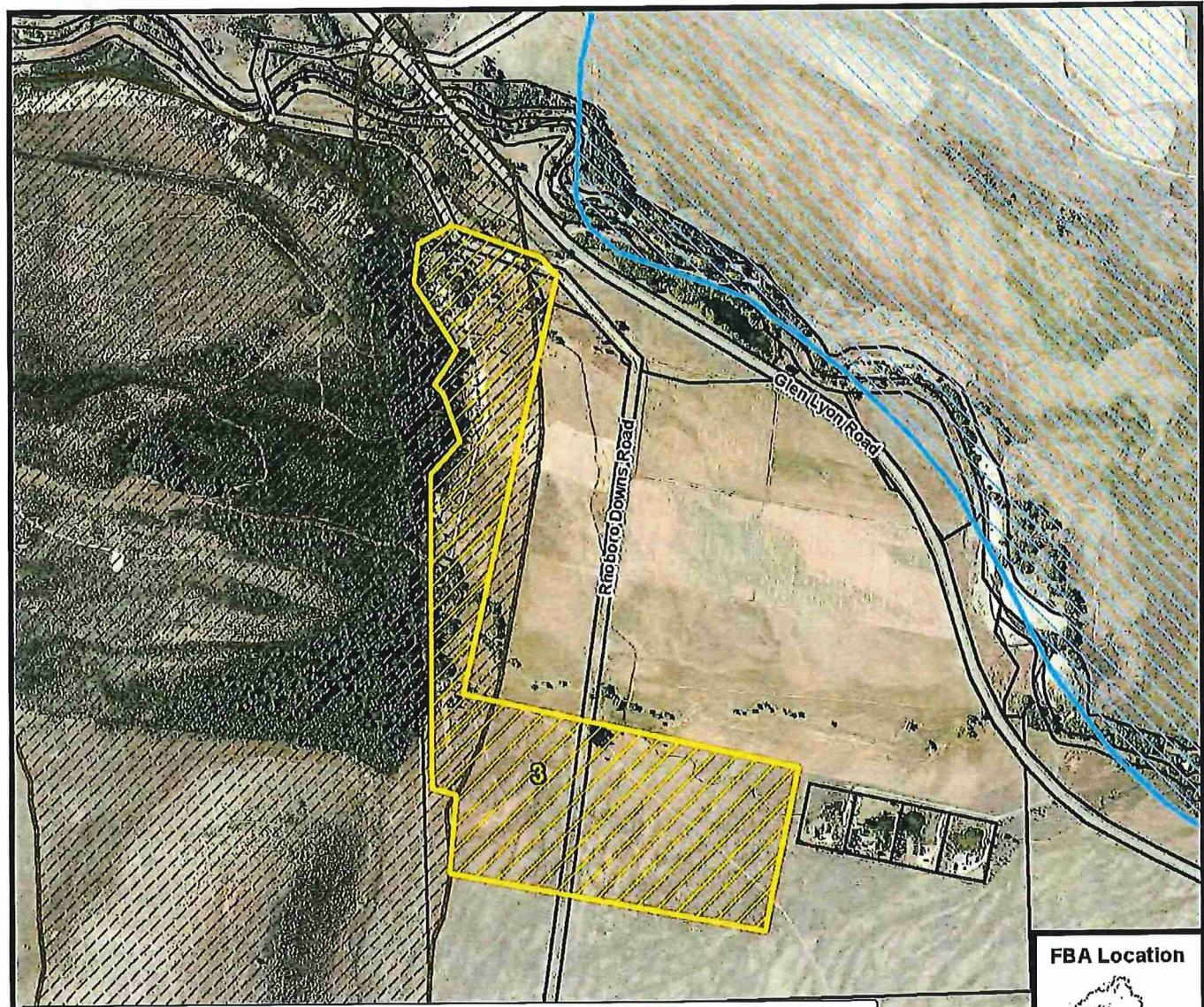




Farm Base Areas	Ostler Fault Hazard Area	Potential Flood Hazard
Scenic Viewing Areas	Lake Side Protection Areas	Property Boundary
Sights of Natural Significance		

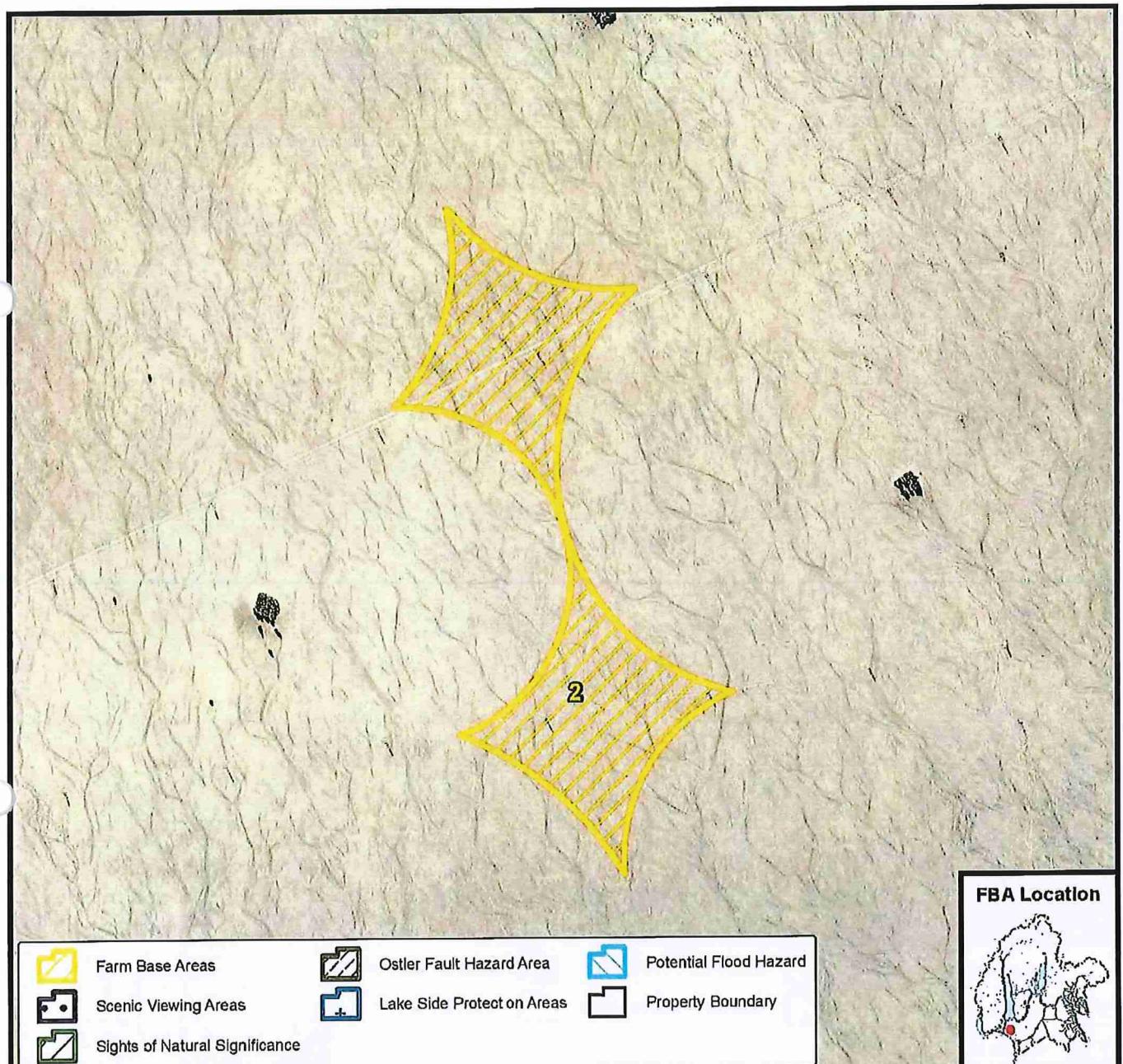
Title: R1 - Balmoral	0 0.05 0.1 0.2 km Scale: 1:6,000	
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Title: R3 - Ben Ohau	0 0.1 0.2 0.4 km Scale: 1:9,900
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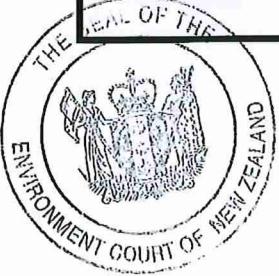


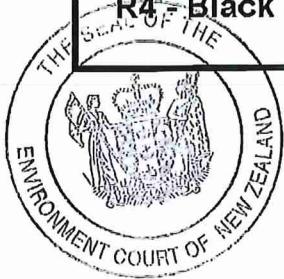
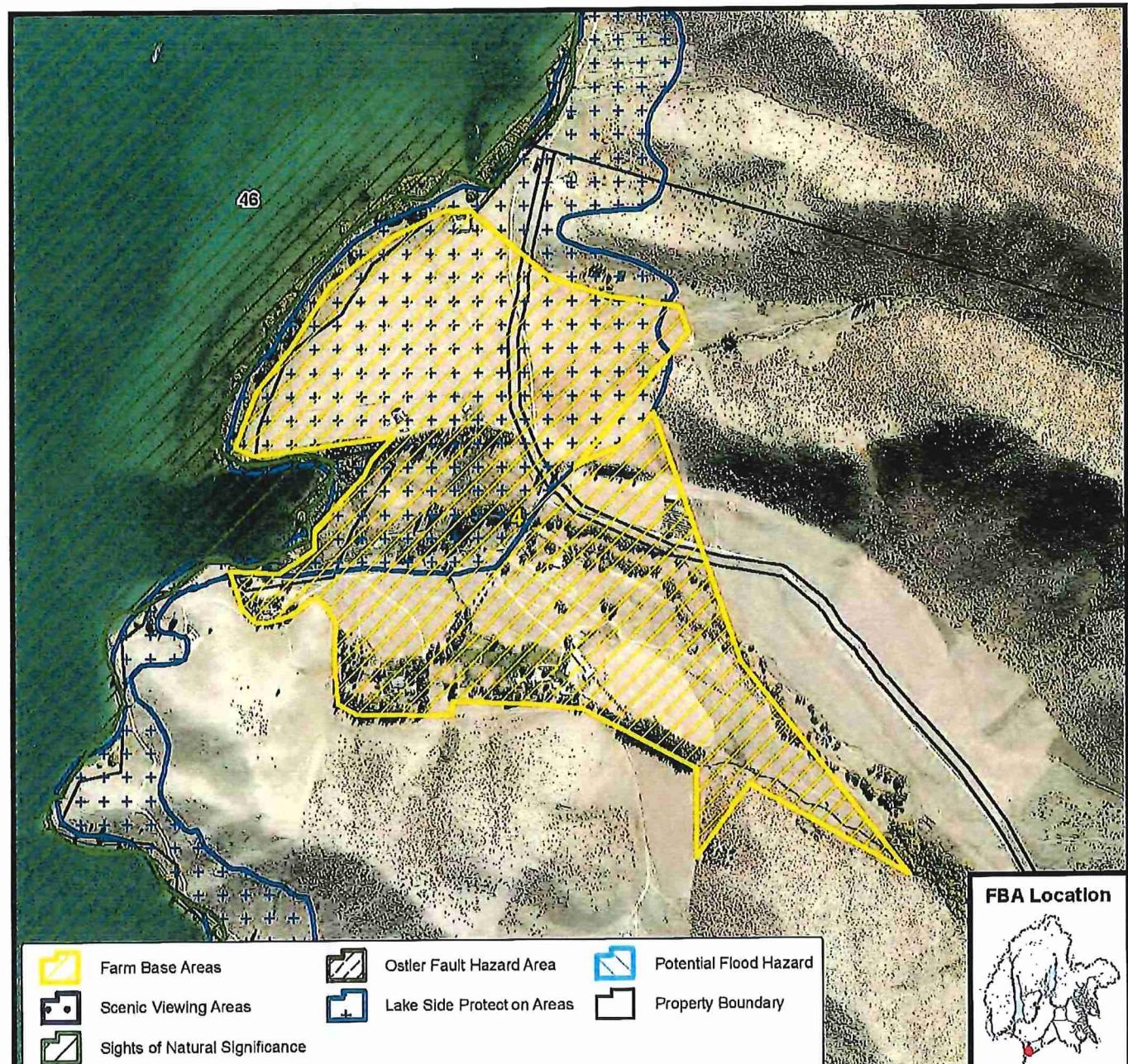
Title:

R2 - Bendrose Station



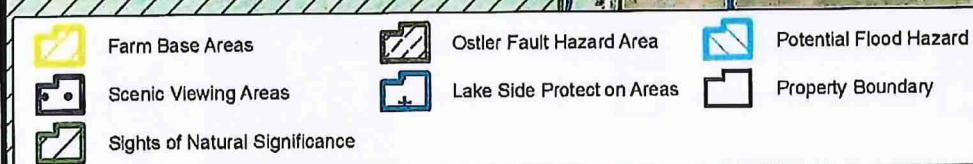
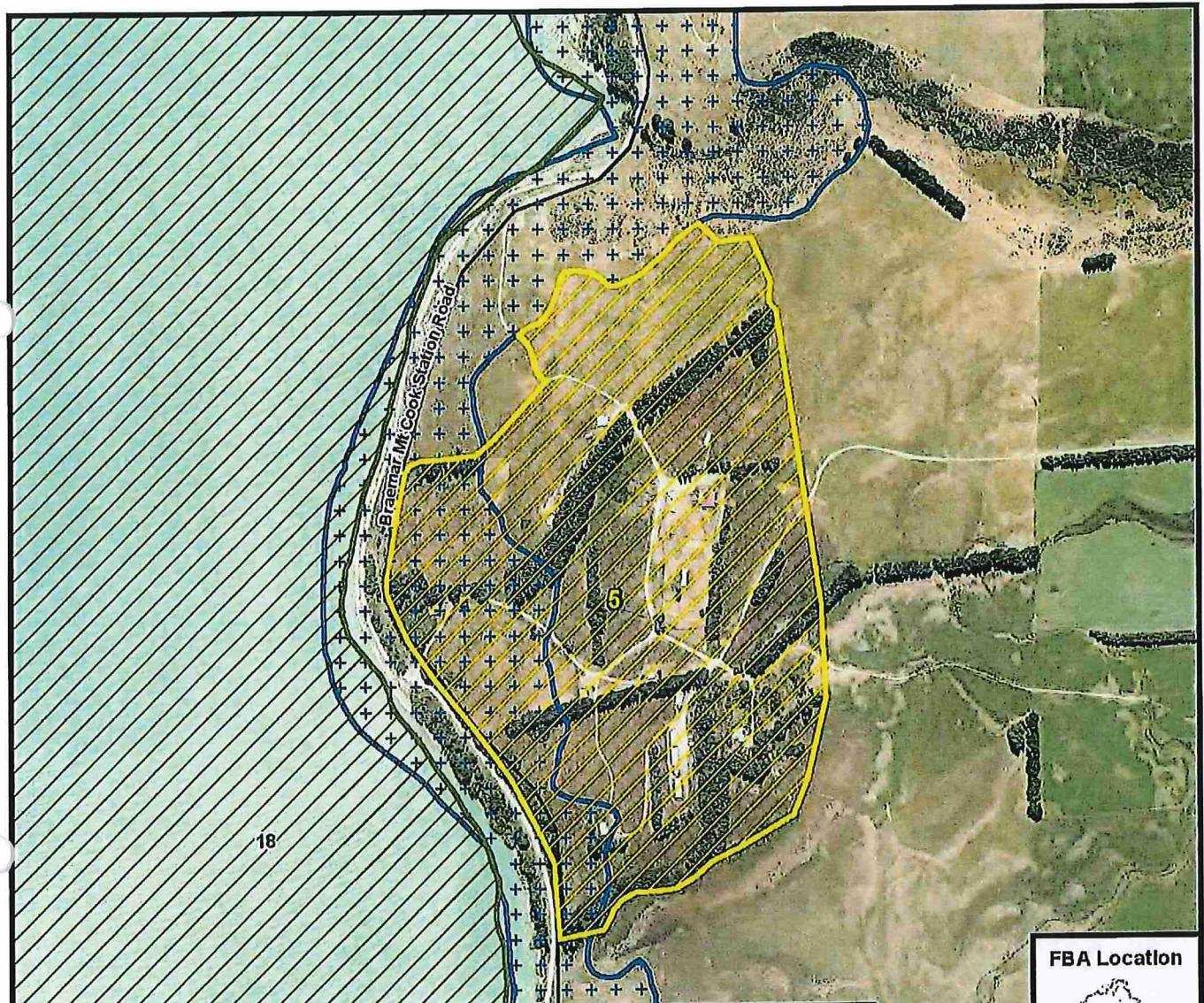
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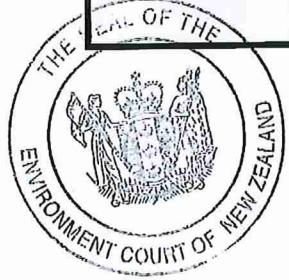
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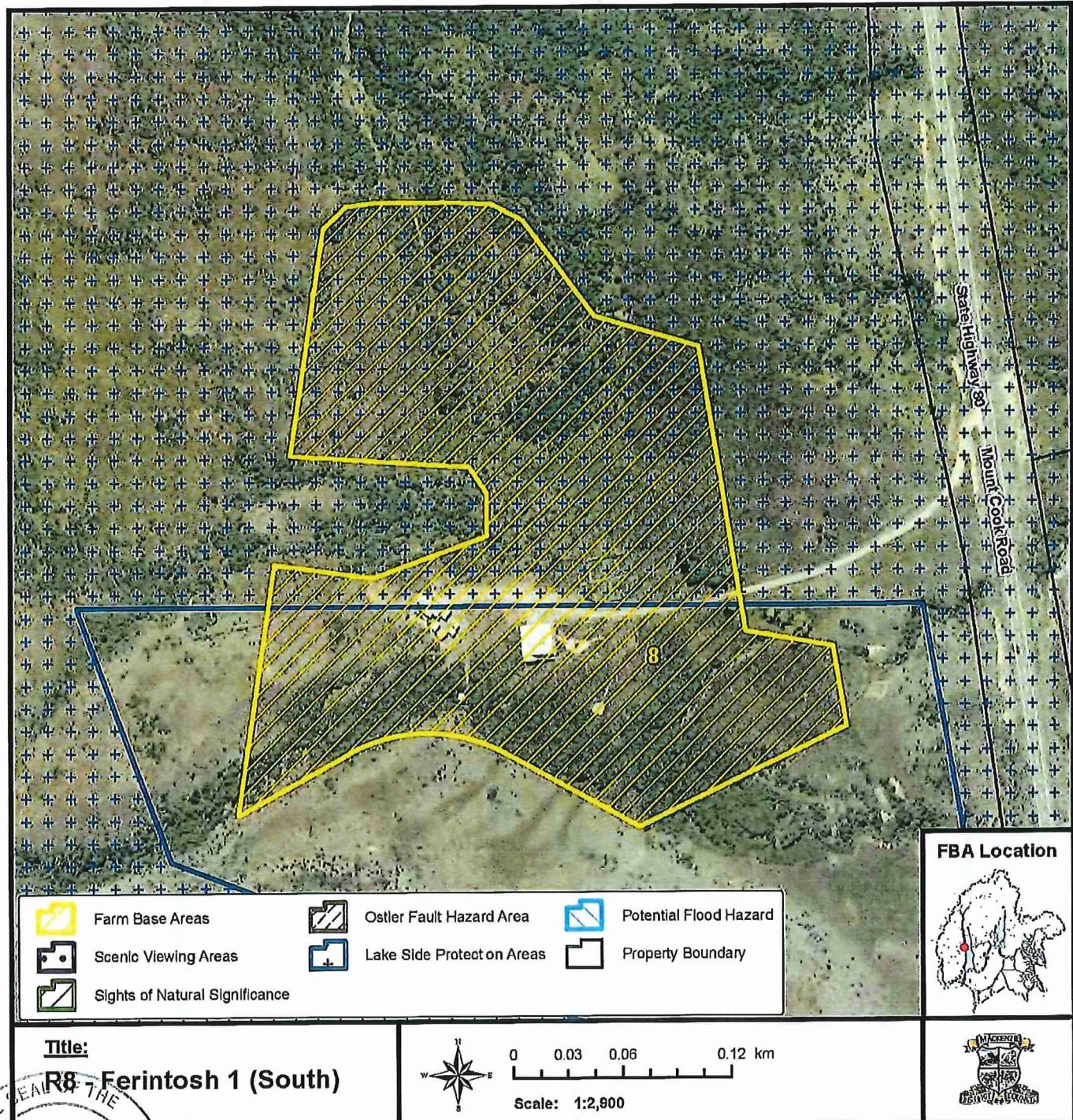


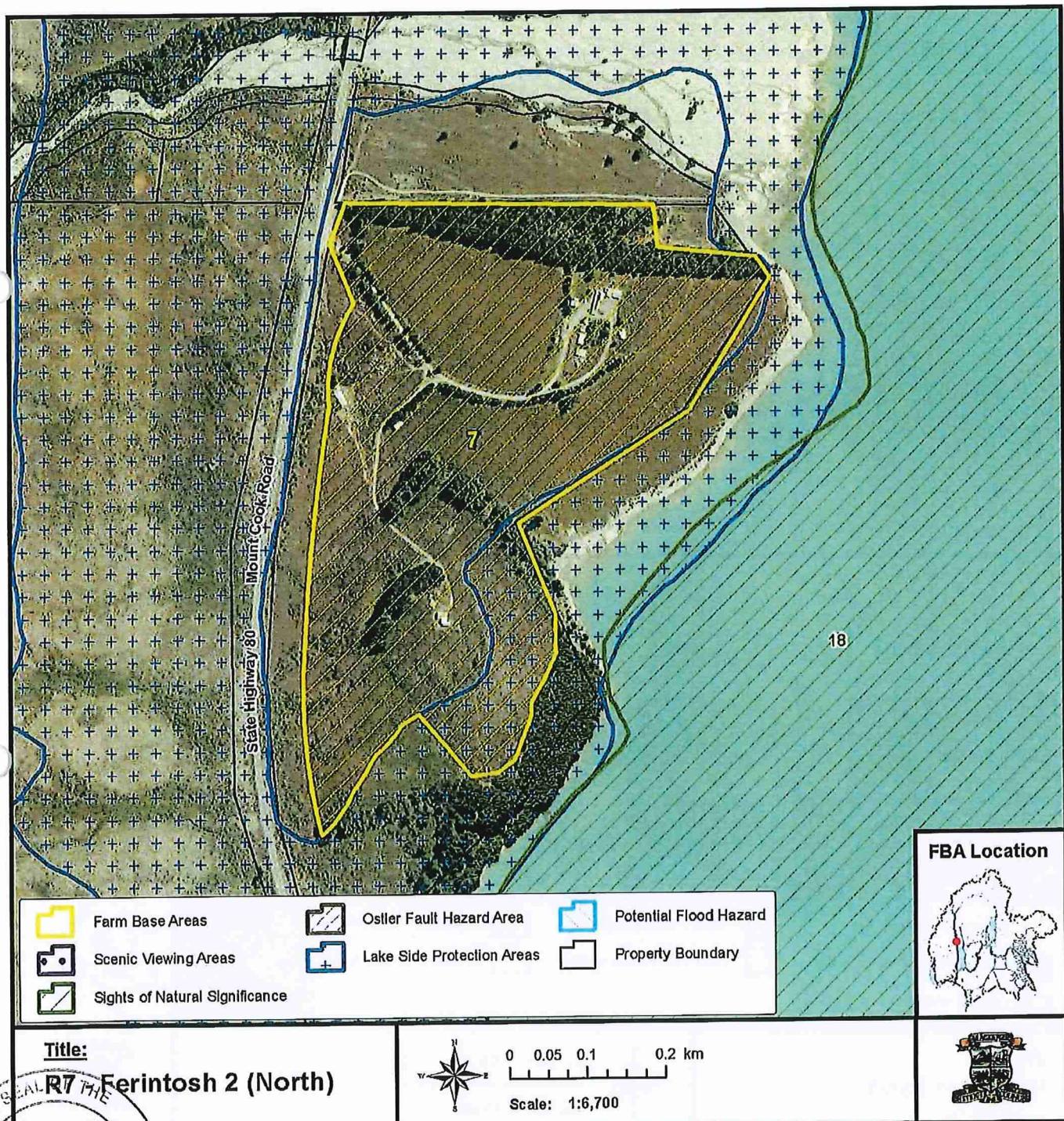


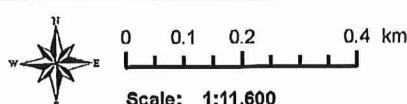
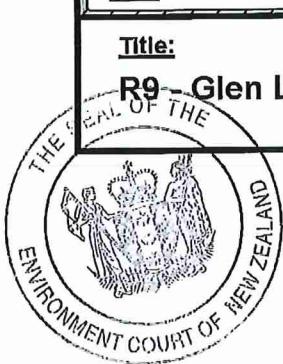
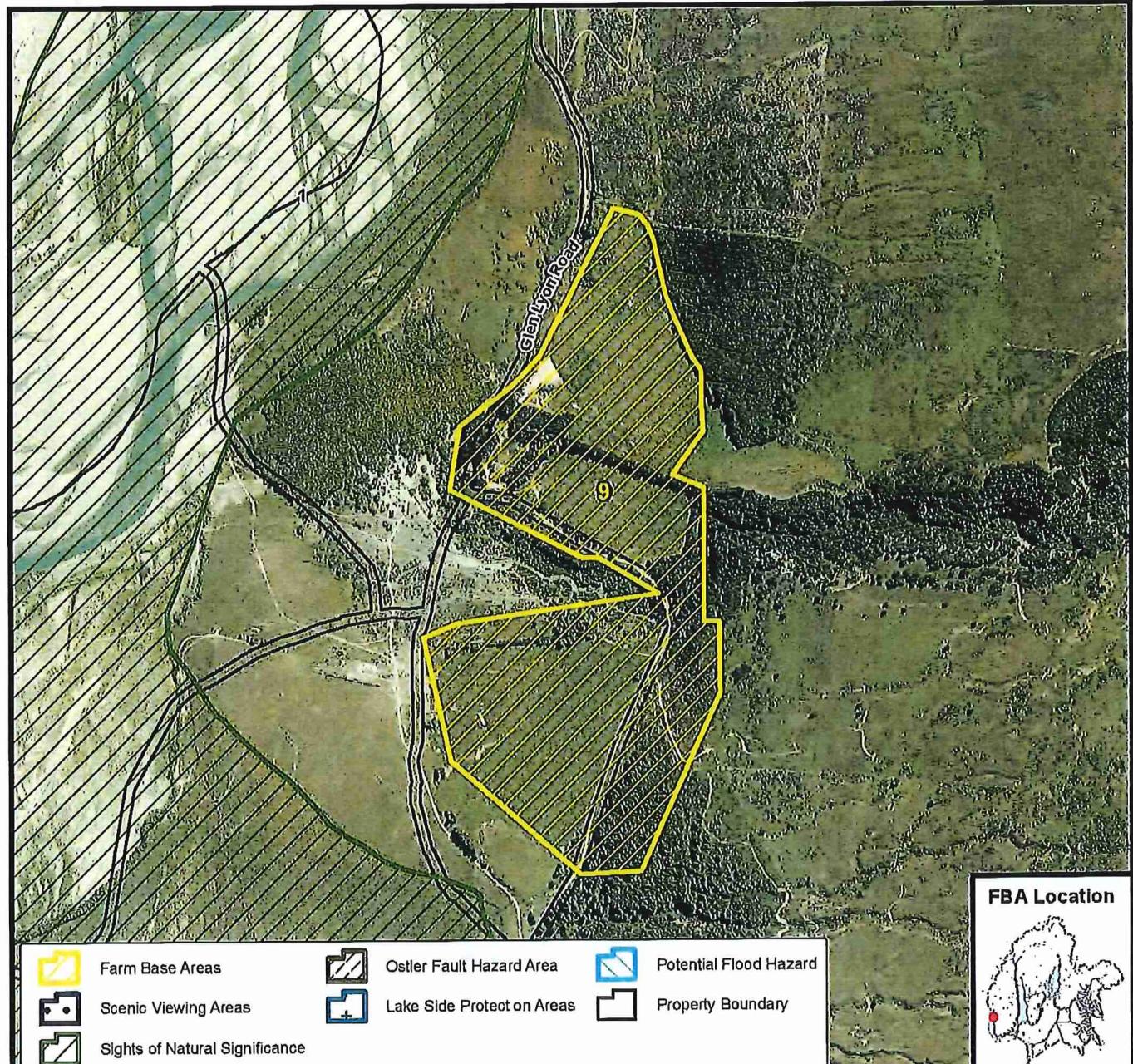
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R5 - Braemar

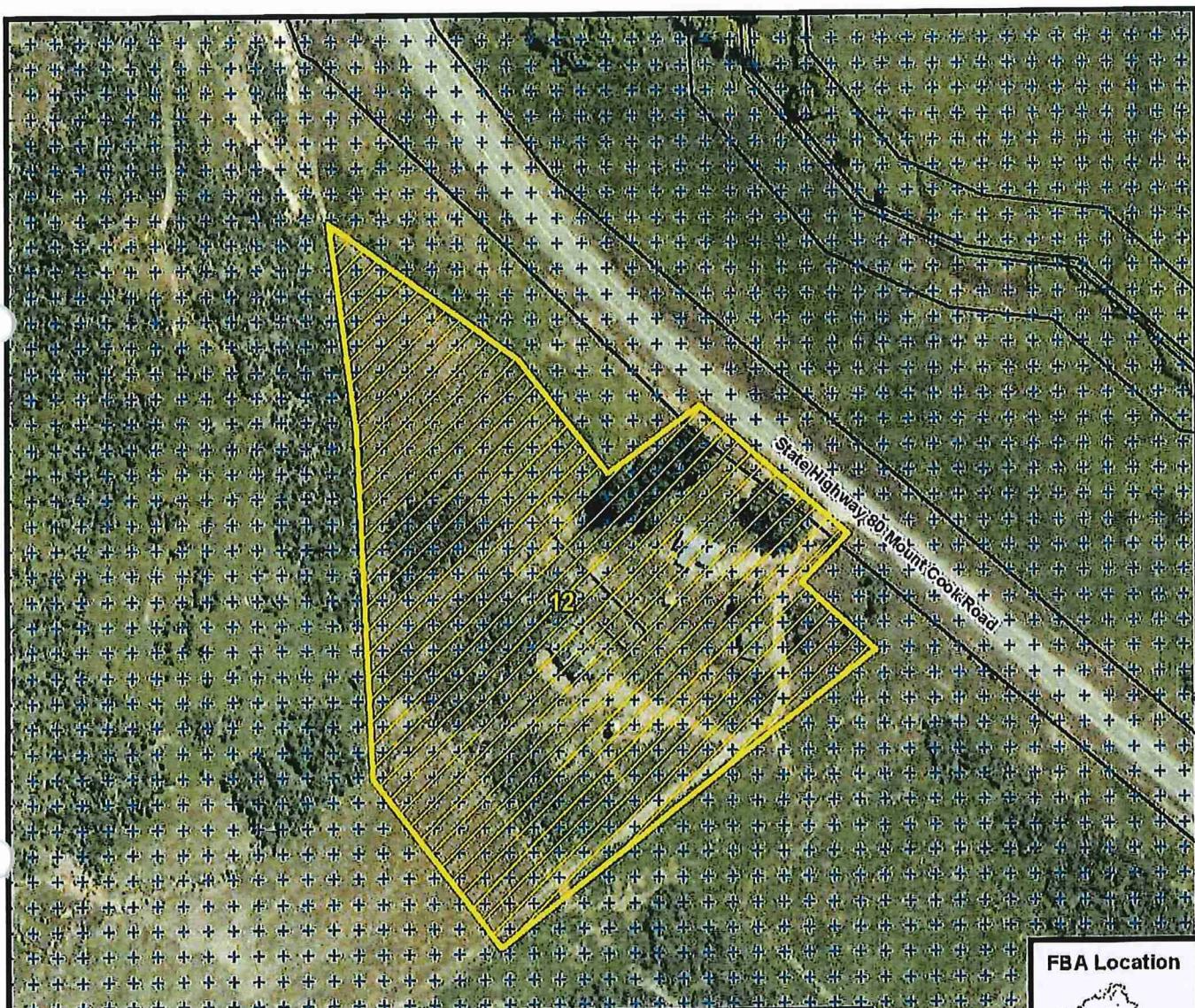
W N E
0 0.075 0.15 0.3 km
Scale: 1:8,900





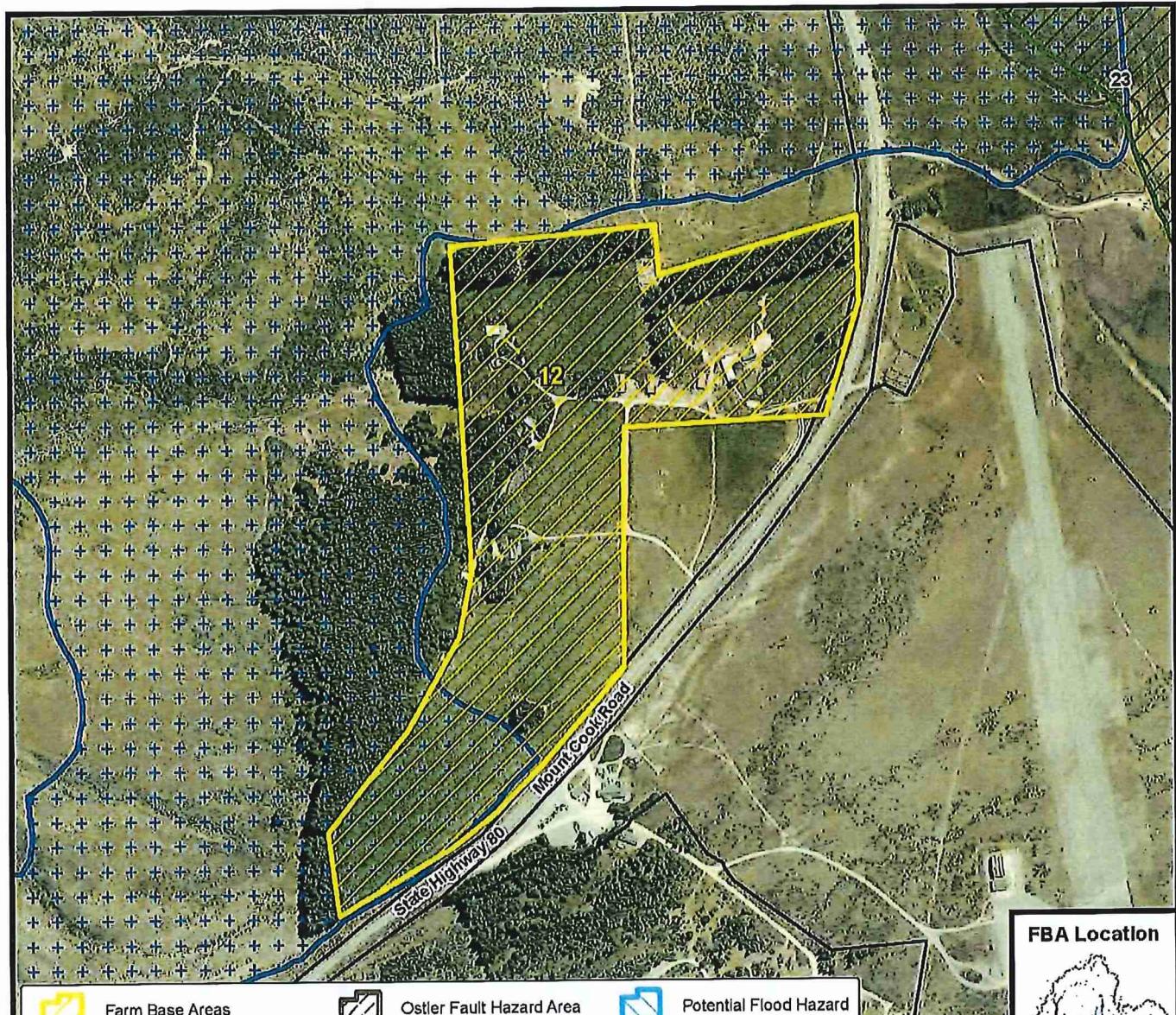






Title: R12 - Glentanner (North)	0 0.0225 0.045 0.09 km
	Scale: 1:2,200



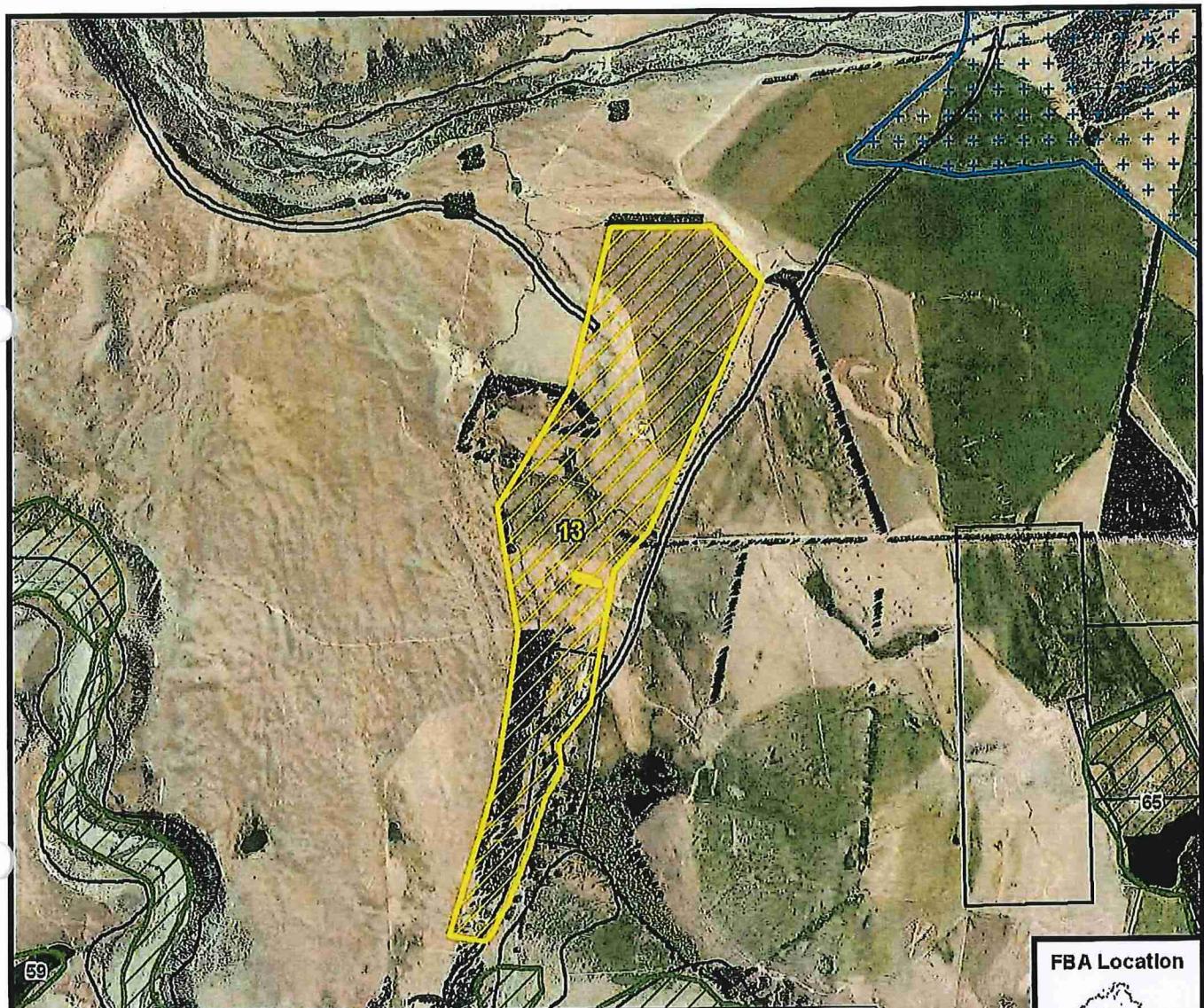


Farm Base Areas	Ostler Fault Hazard Area	Potential Flood Hazard
Scenic Viewing Areas	Lake Side Protection Areas	Property Boundary
Sights of Natural Significance		

Title:
R12 Glentanner (South)

W N E
0 0.075 0.15 0.3 km
Scale: 1:7,200



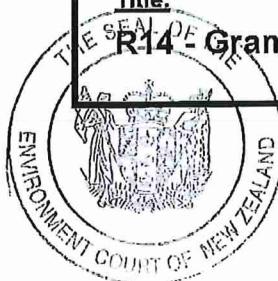
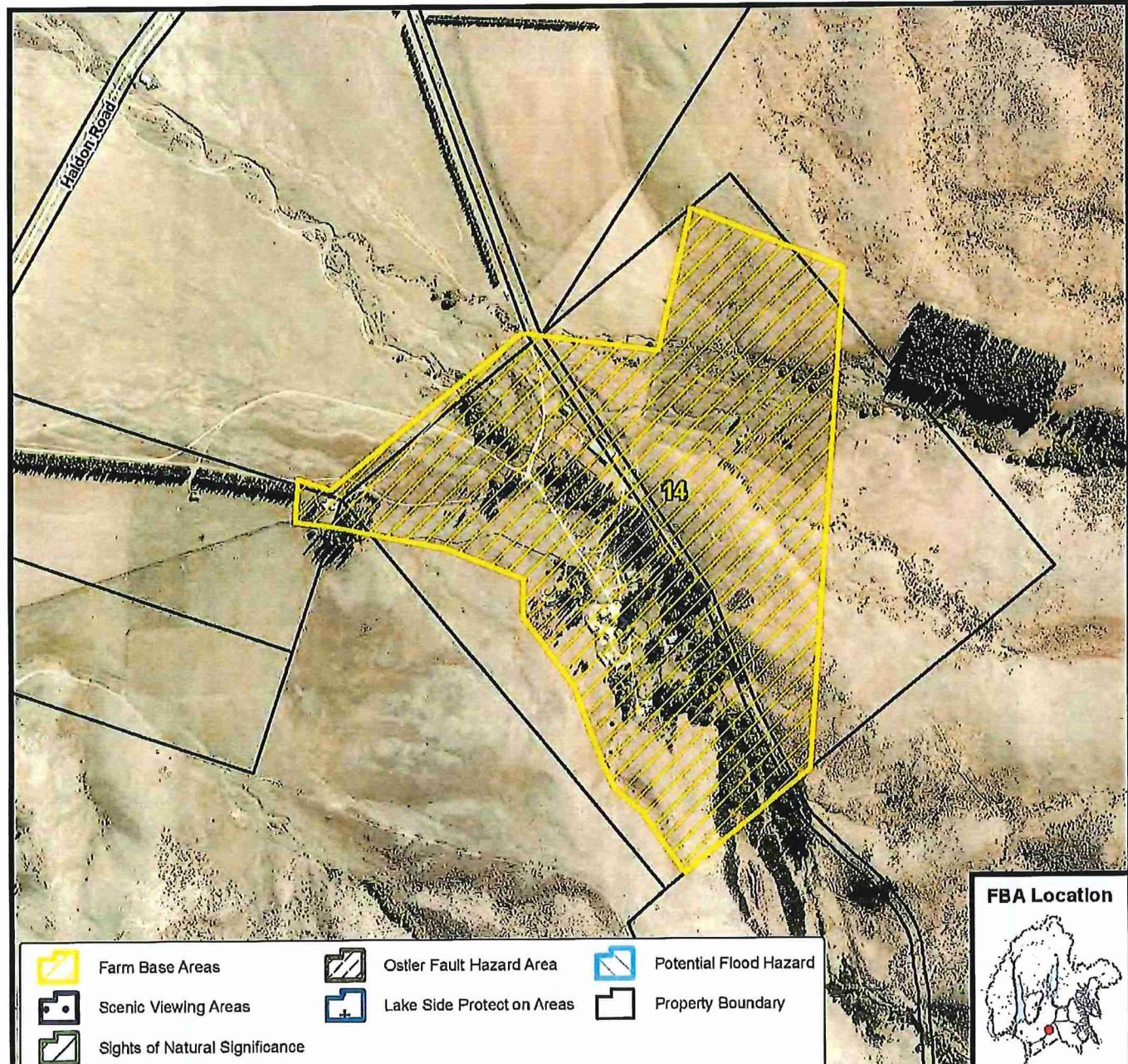


Title:
R13-Godley Peaks



0 0.175 0.35 0.7 km
Scale: 1:17,400



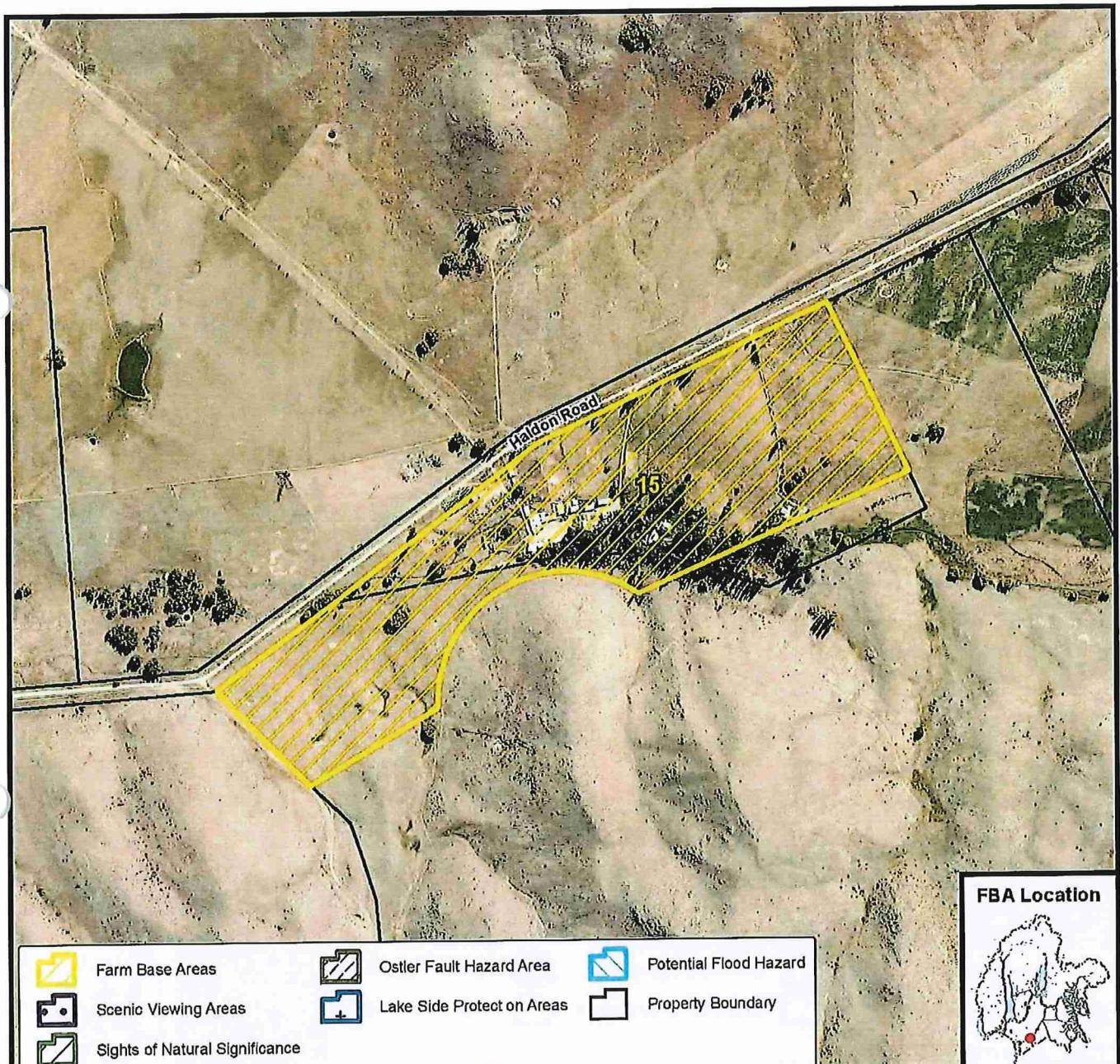


Title:
R14- Grampians Station



0 0.1 0.2 0.4 km
Scale: 1:10,900





- Farm Base Areas
- Scenic Viewing Areas
- Sights of Natural Significance

- Ostler Fault Hazard Area
- Lake Side Protection Areas

- Potential Flood Hazard
- Property Boundary

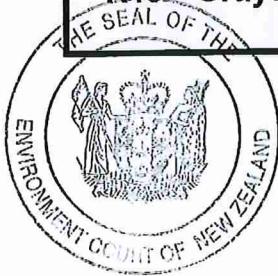
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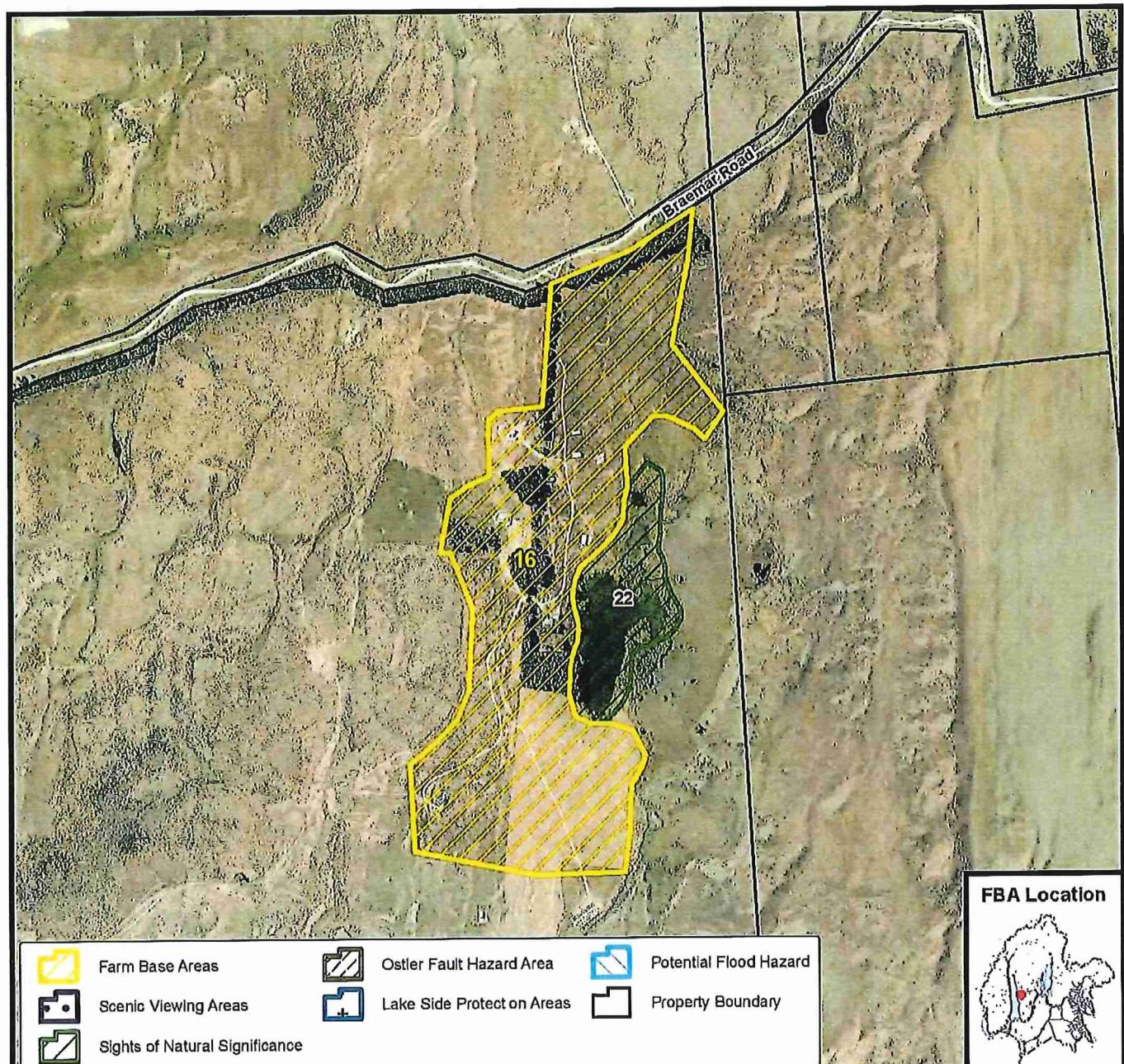
R15 - Grays Hills



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Scale: 1:9,900

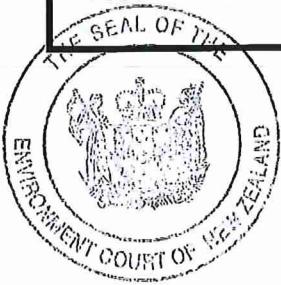


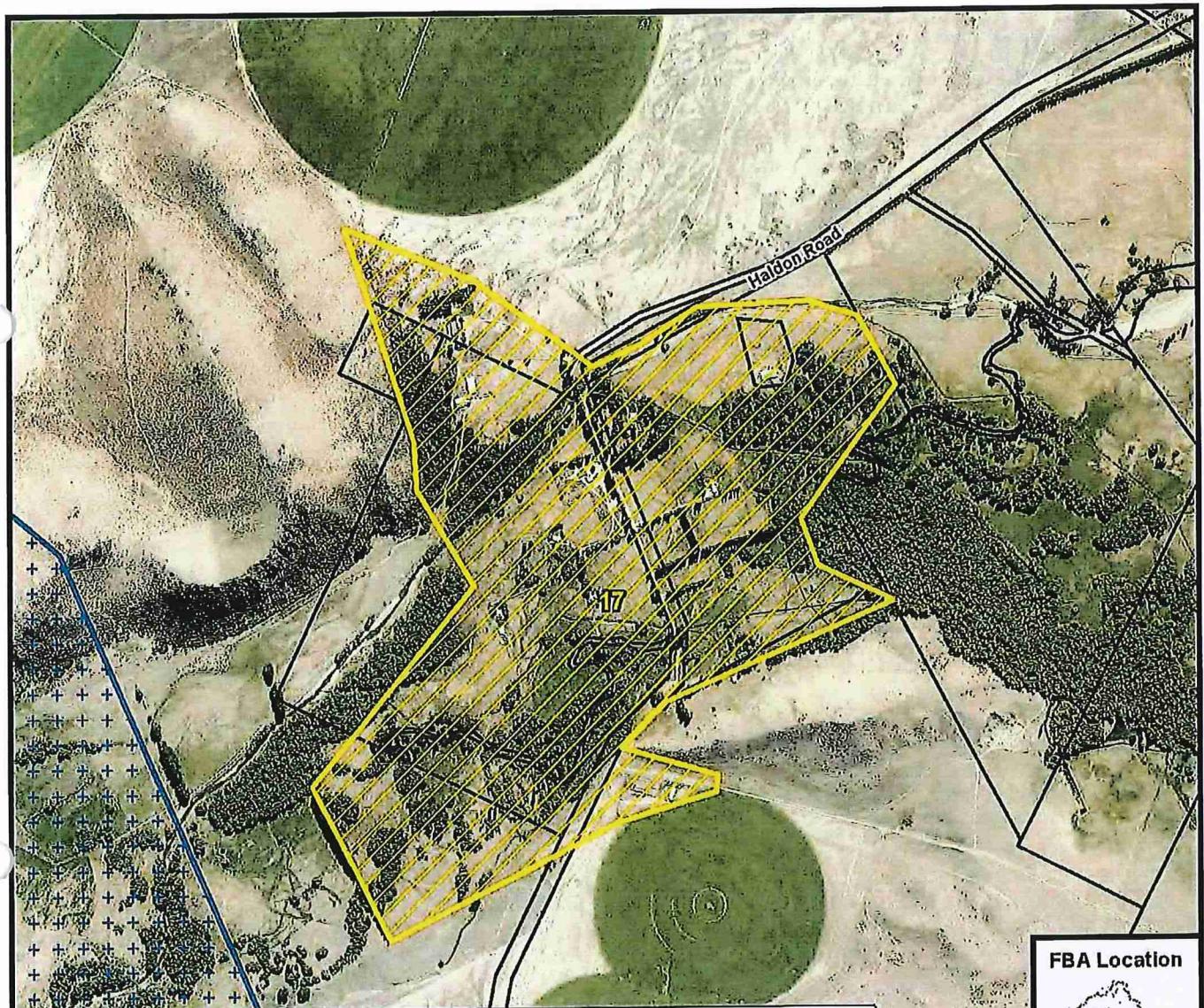


Title:
R16 - Guide Hill



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Scale: 1:11,600





Title:

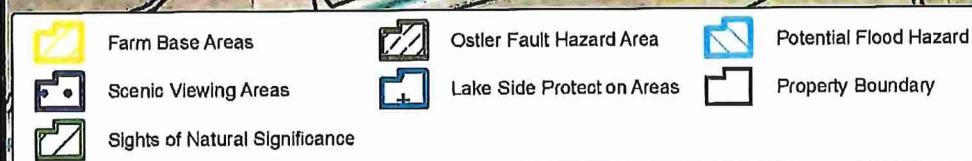
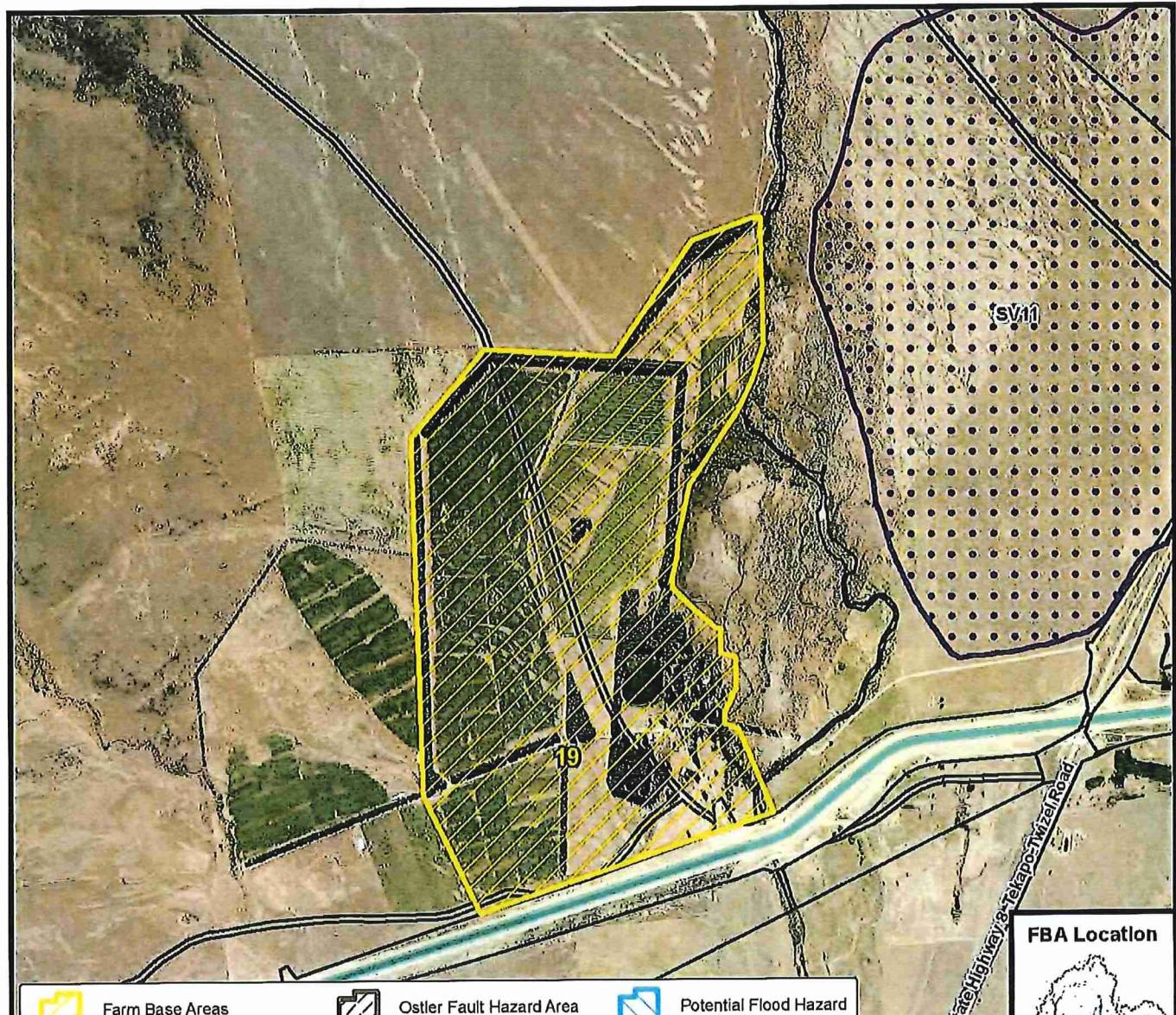
R17 - Haldon



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Scale: 1:15,100

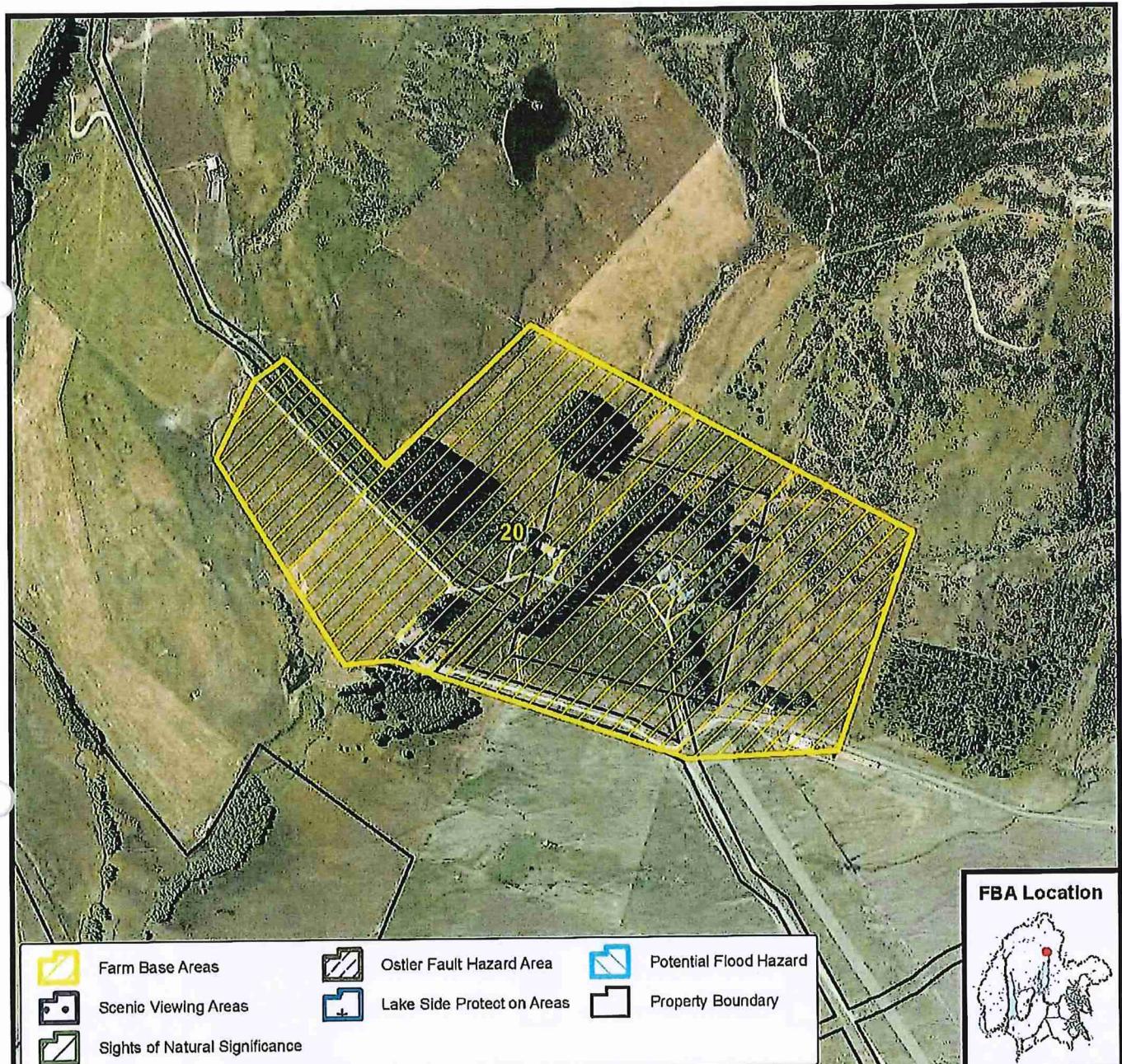




Title:
R19 - Irishman Creek

0 0.2 0.4 0.8 km
N
W S E
Scale: 1:19,200



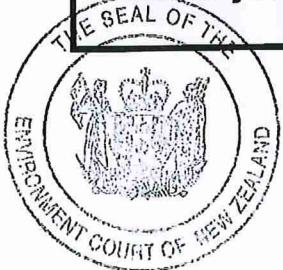


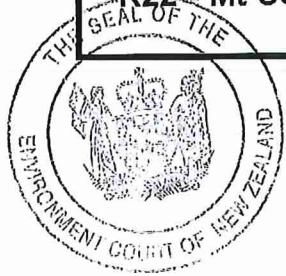
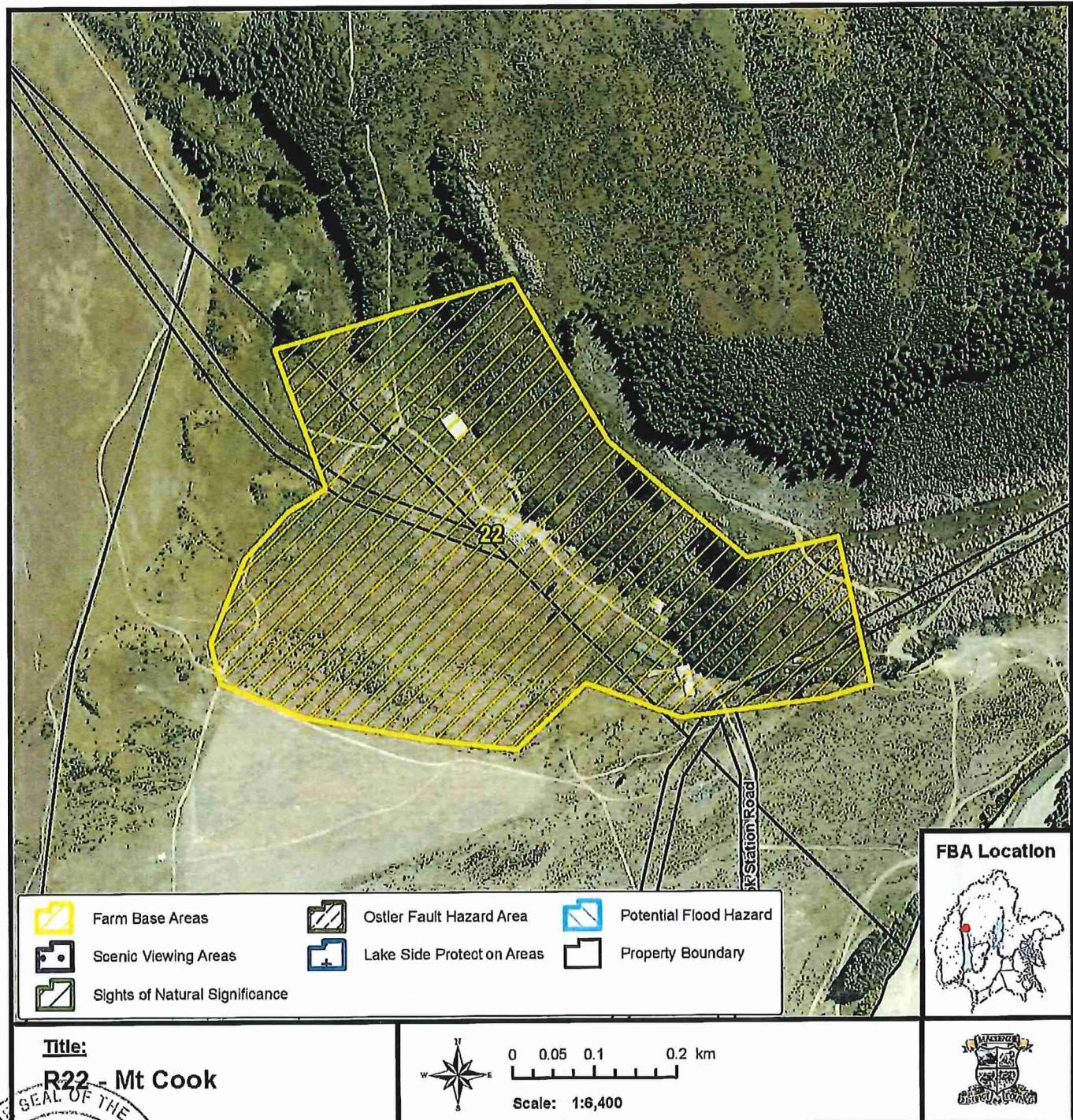
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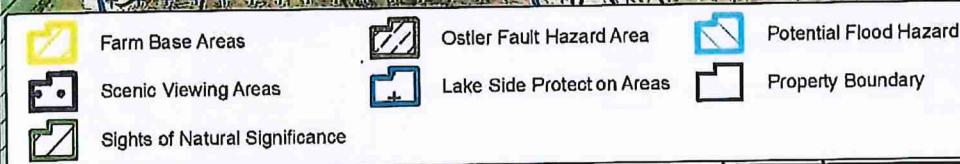
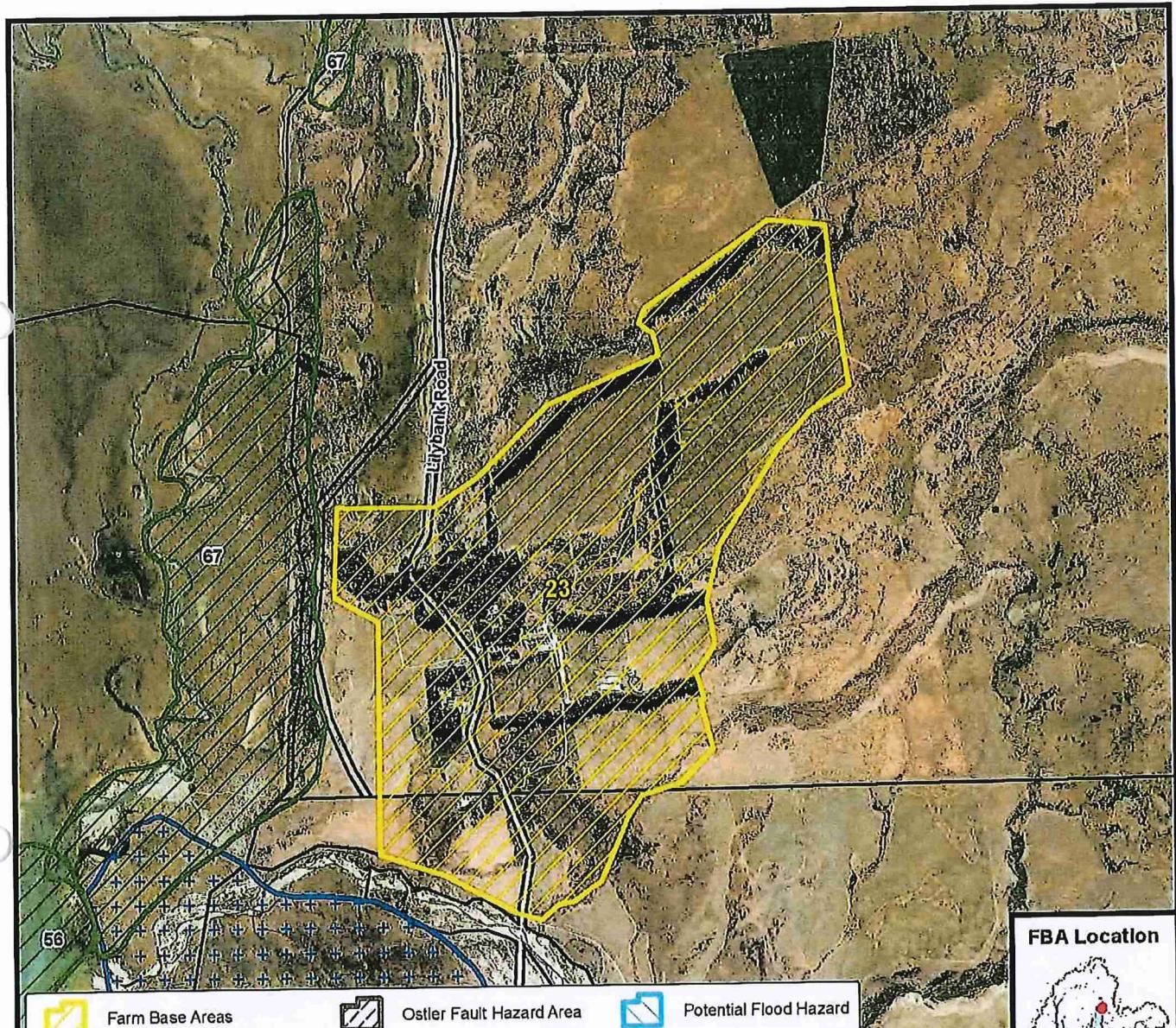
R20 -Lilybank



0 0.075 0.15 0.3 km
Scale: 1:7,300







FBA Location



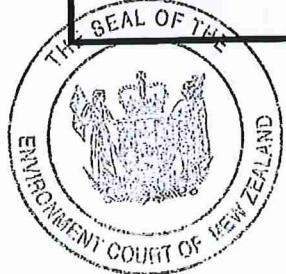
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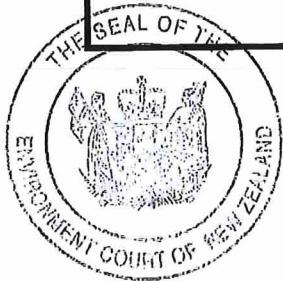
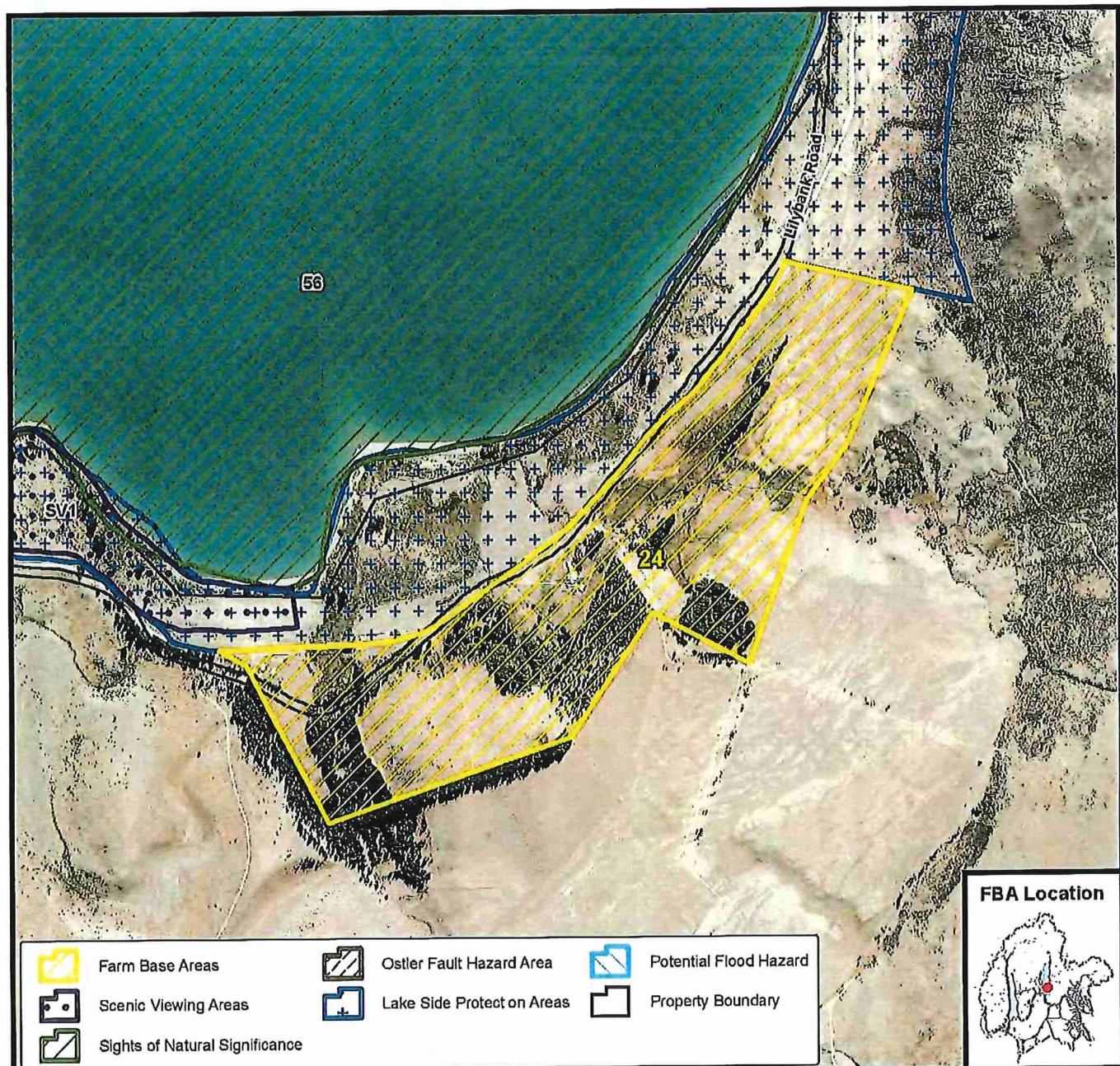
R23 - Mt Gerald

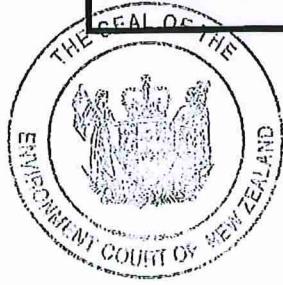
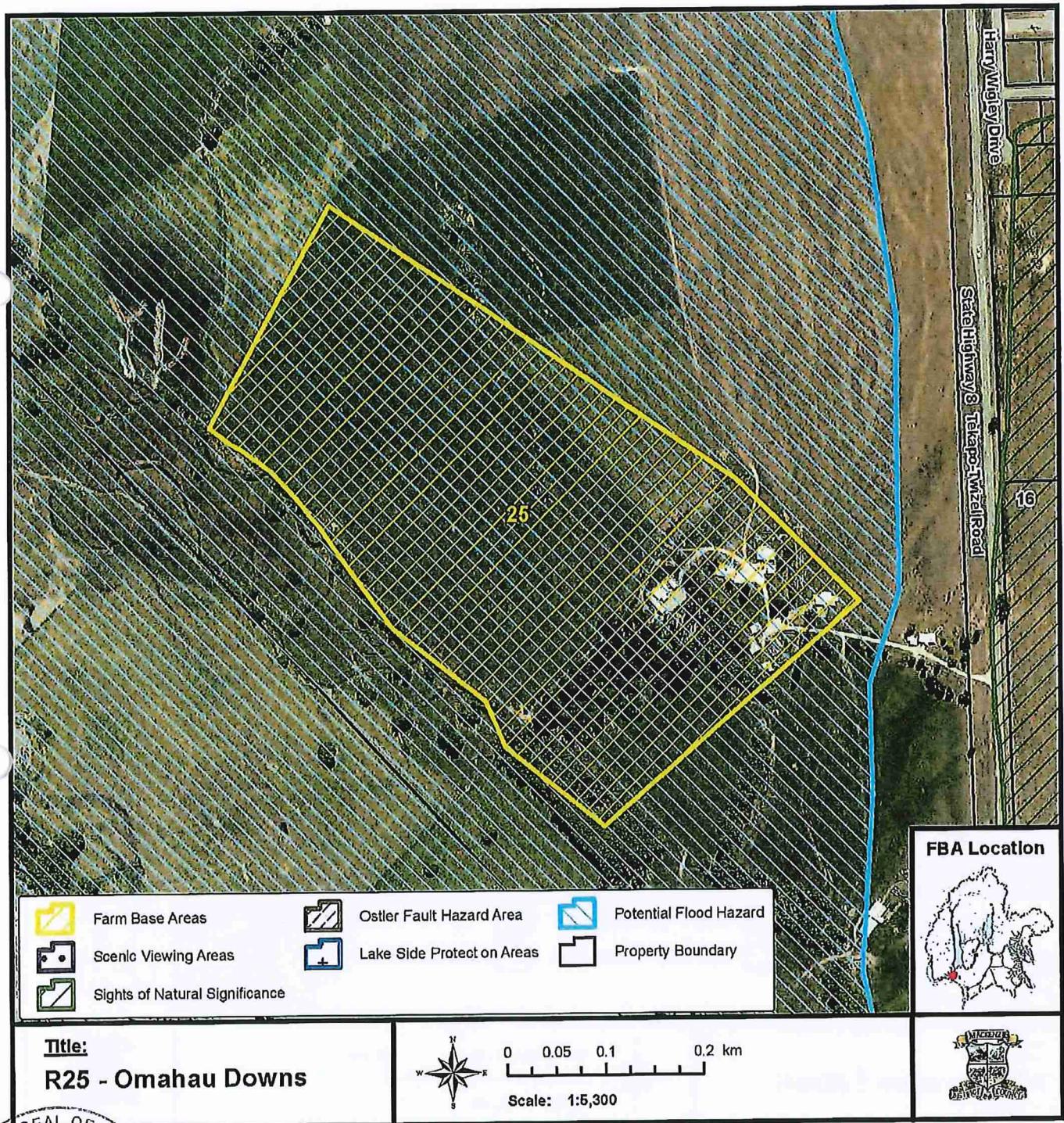


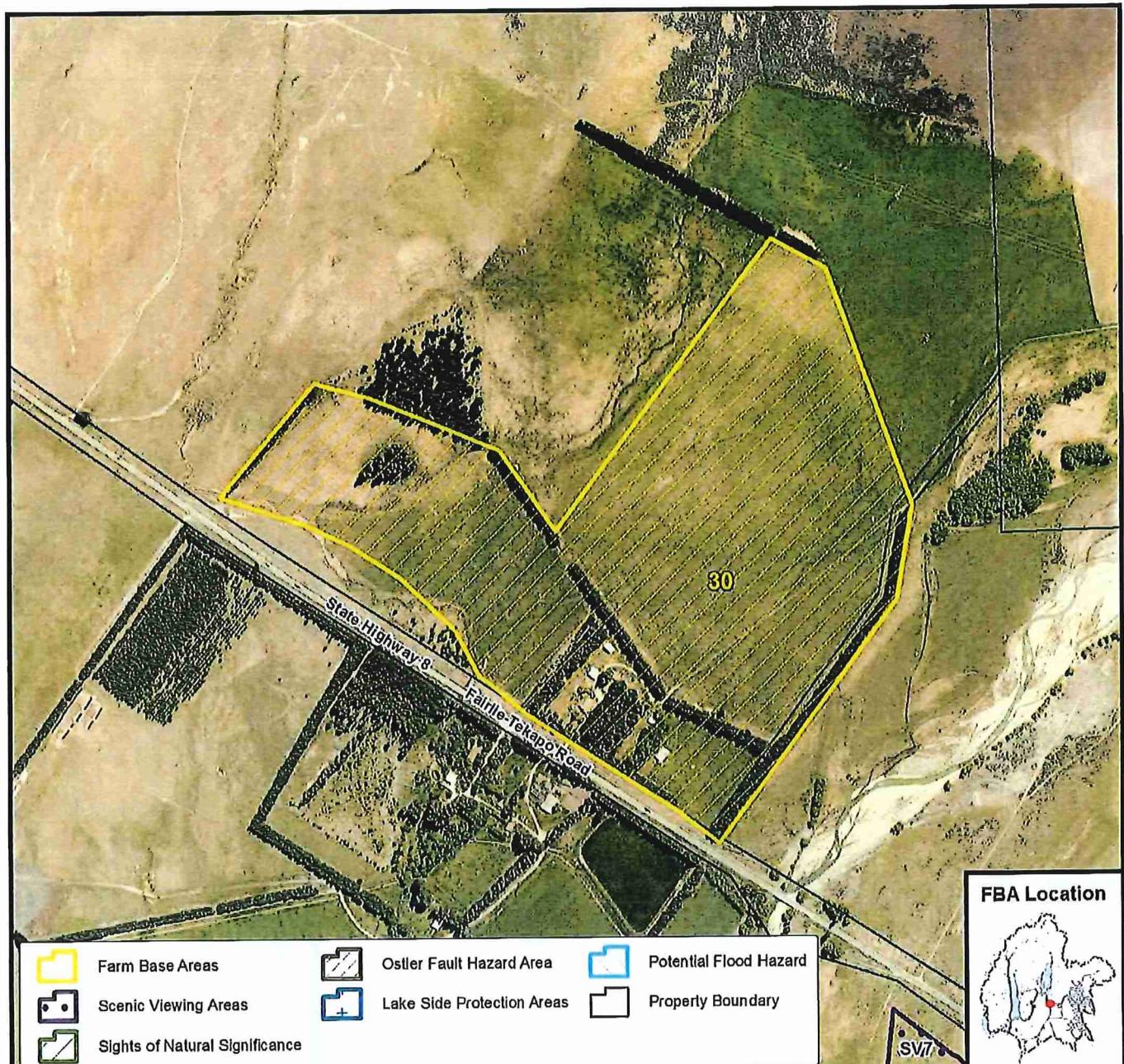
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Scale: 1:15,700

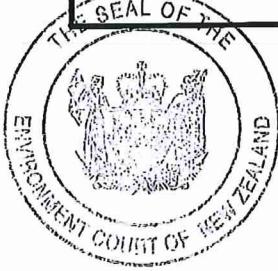


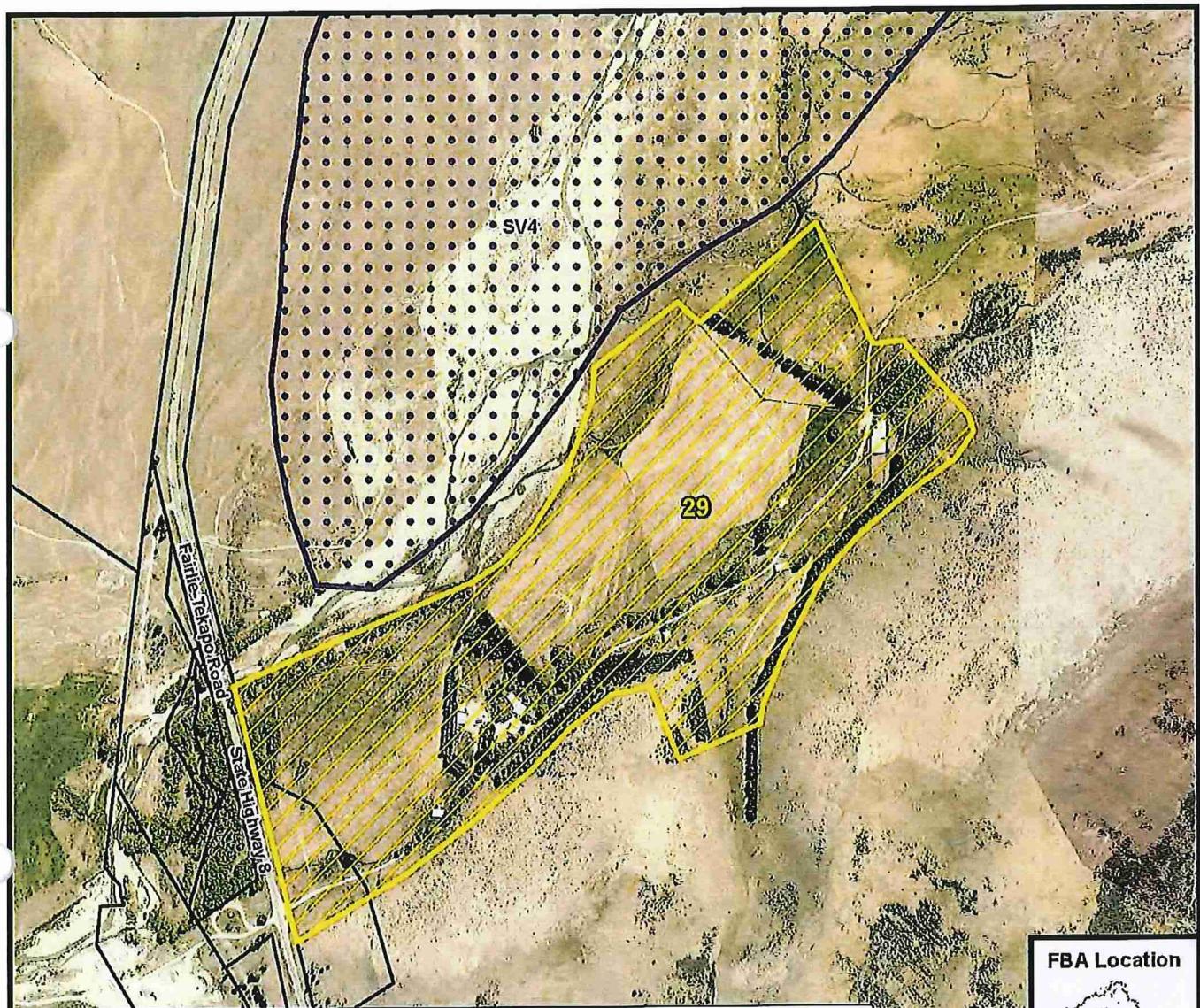






Title: R30 - Sawdon 1 (East)	<p>A compass rose indicating cardinal directions (N, S, E, W) and a scale bar showing distances of 0, 0.075, 0.15, and 0.3 km.</p>	<p>The logo of the Ministry of Environment, featuring a stylized tree and the text 'MINISTRY OF ENVIRONMENT'.</p>
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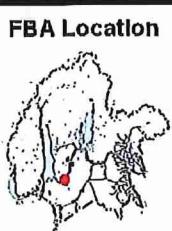
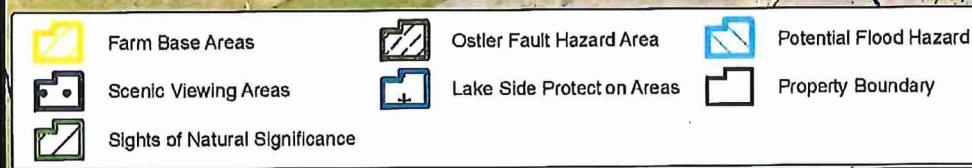
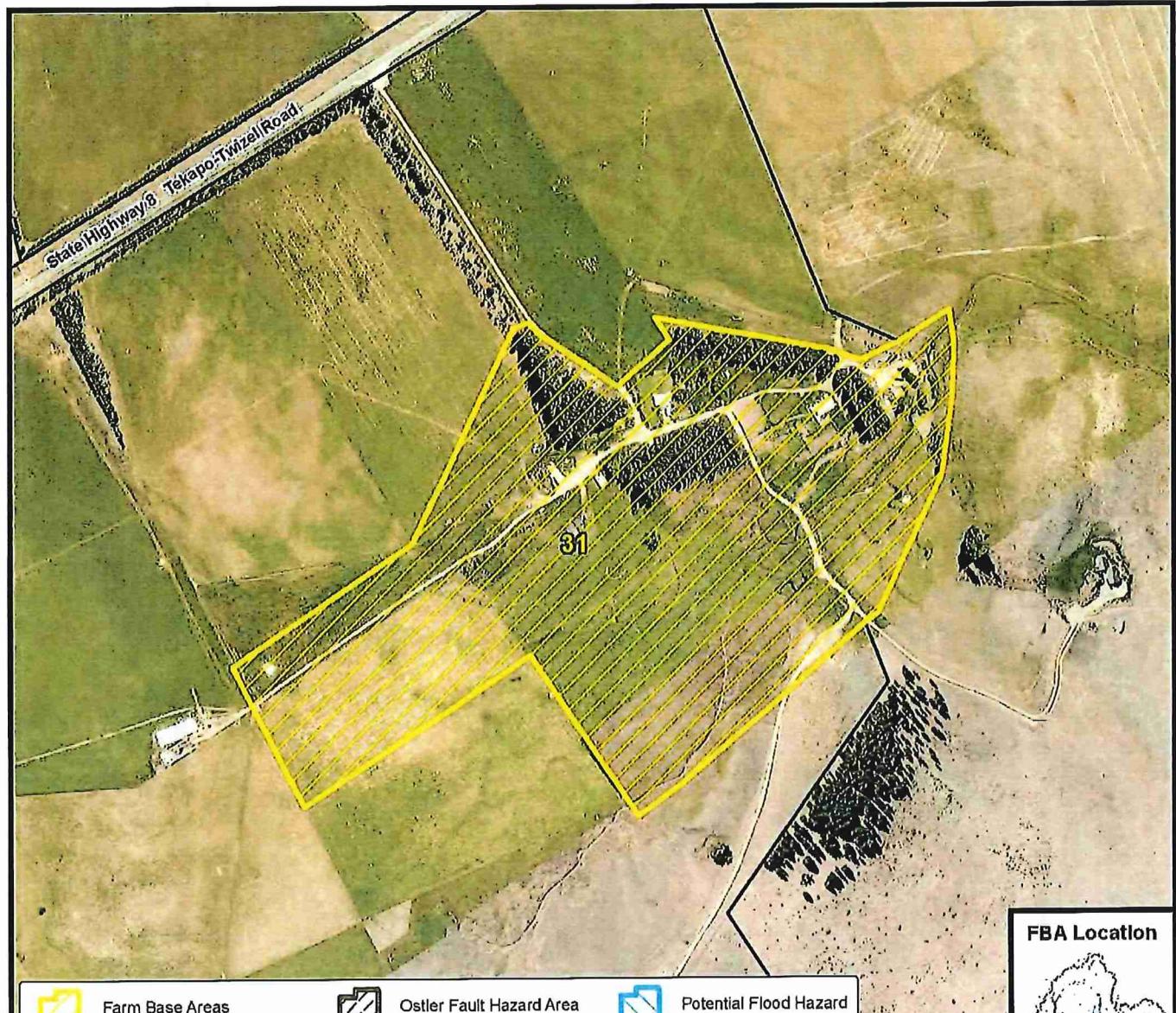




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R29 - Sawdon 2 (West)

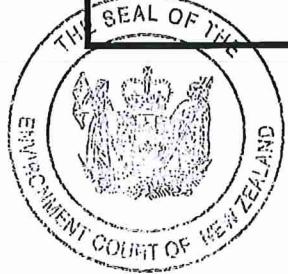
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Scale: 1:7,600

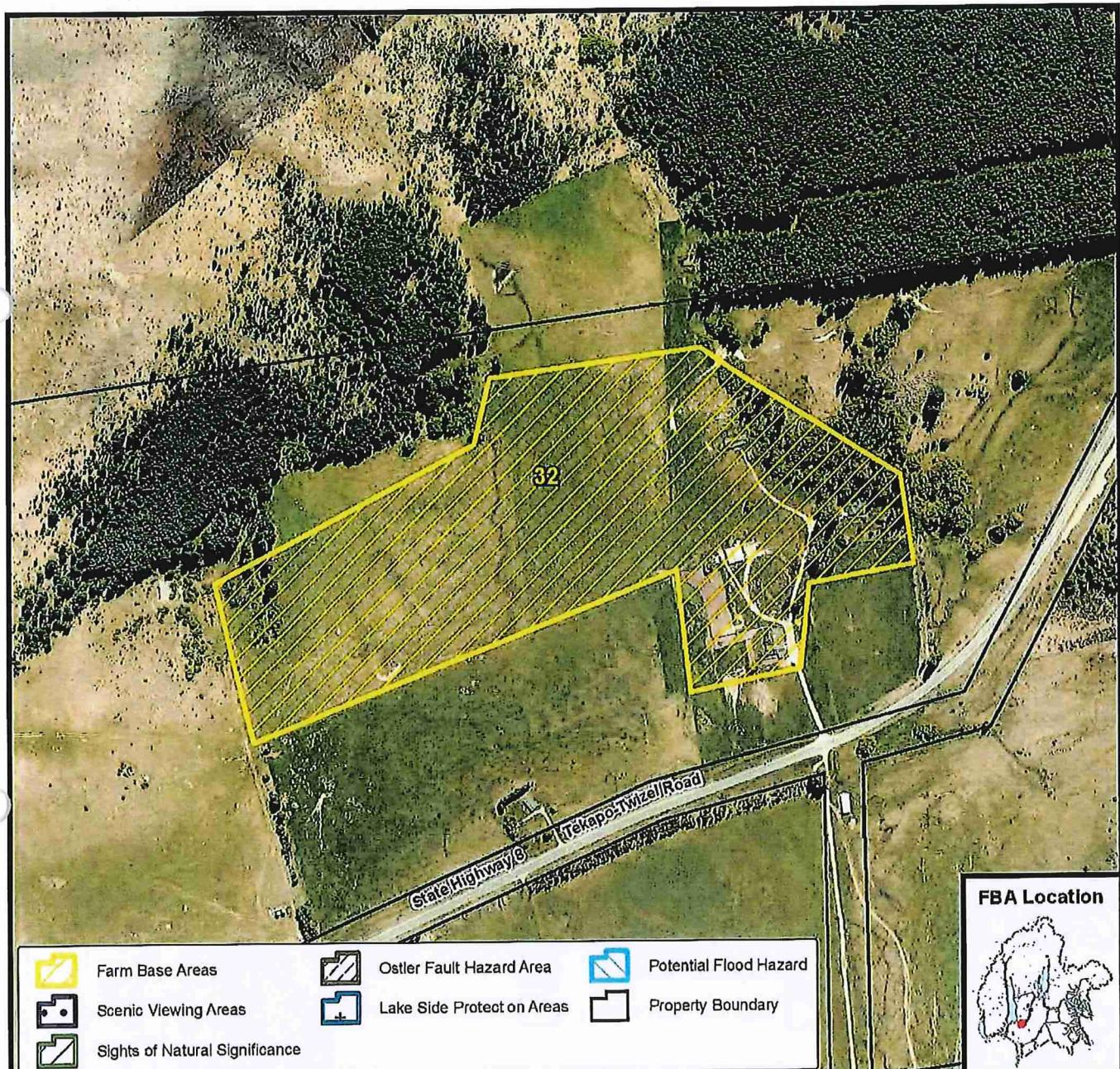




Title:
R31 - Simons Hill

0 0.05 0.1 0.2 km
Scale: 1:6,400





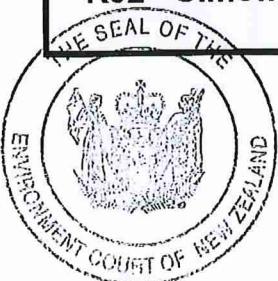
Farm Base Areas	Ostler Fault Hazard Area	Potential Flood Hazard
Scenic Viewing Areas	Lake Side Protection Areas	Property Boundary
Sights of Natural Significance		

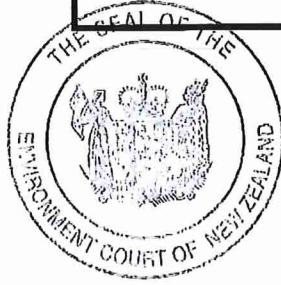
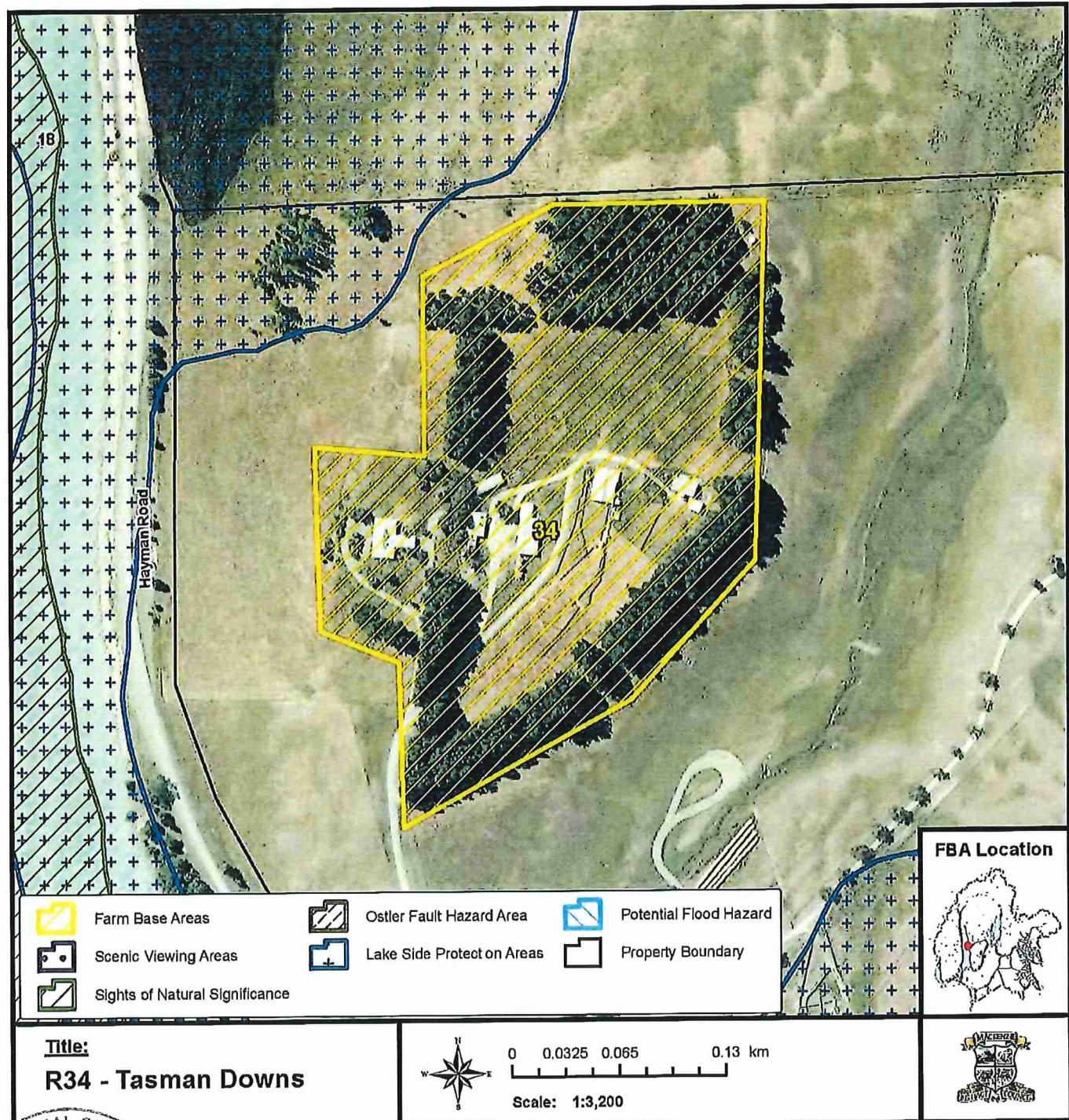
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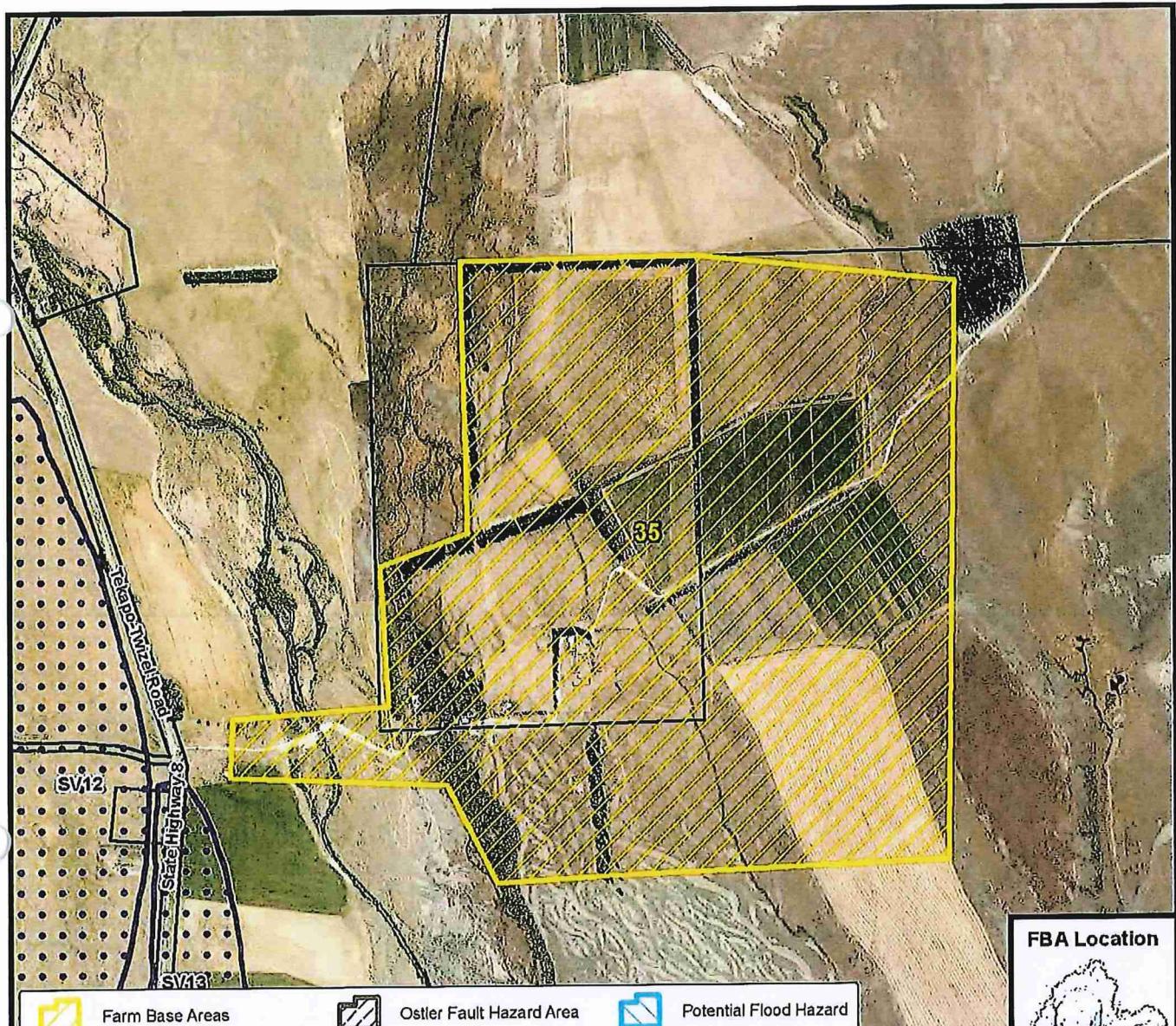
R32 - Simons Pass



0 0.05 0.1 0.2 km
Scale: 1:5,600





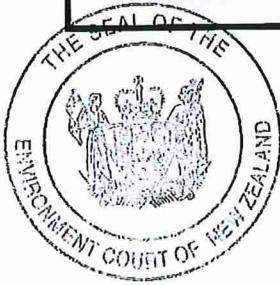


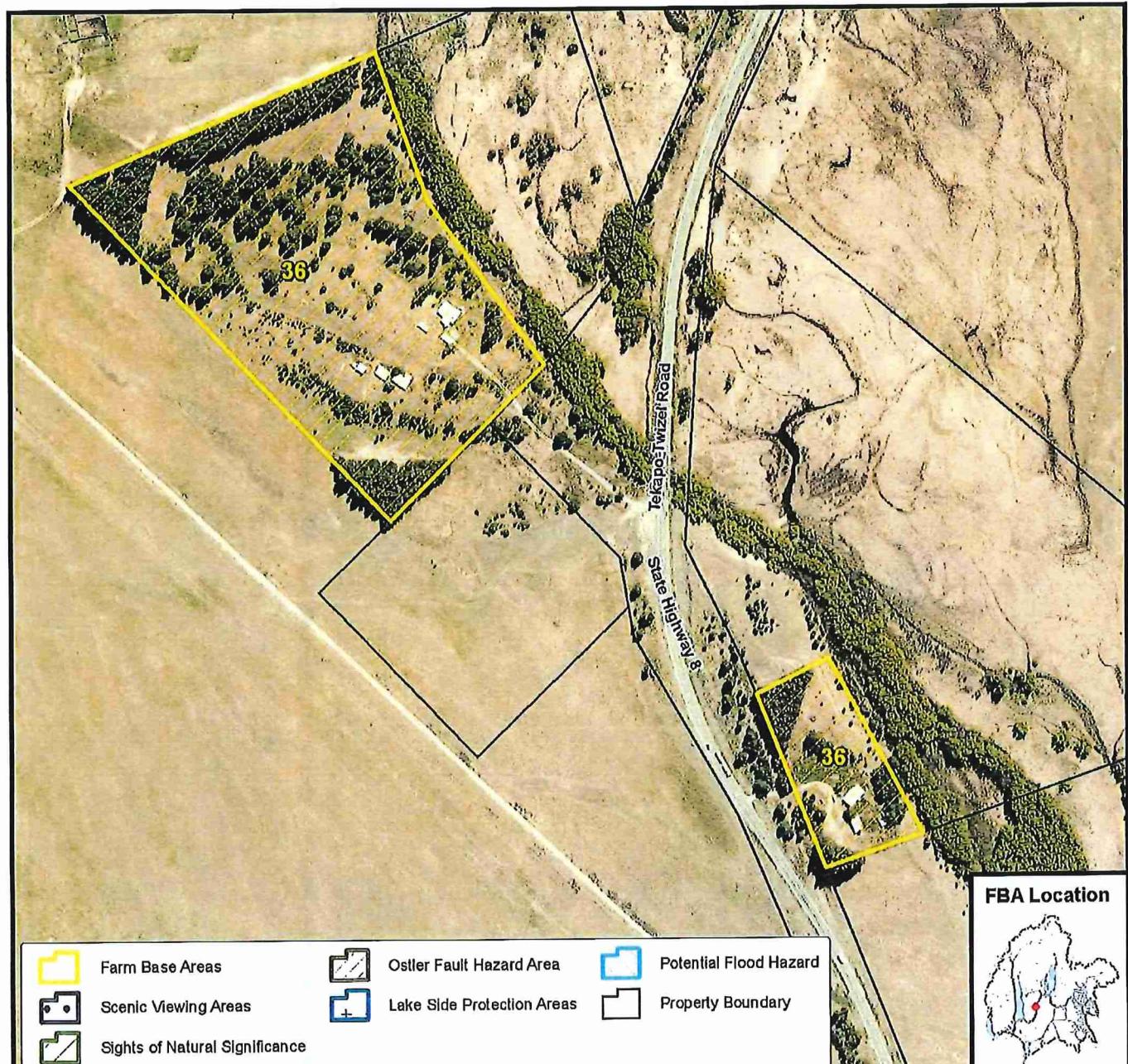
Farm Base Areas	Ostler Fault Hazard Area	Potential Flood Hazard
Scenic Viewing Areas	Lake Side Protection Areas	Property Boundary
Sights of Natural Significance		

Title:
R35 - The Wolds

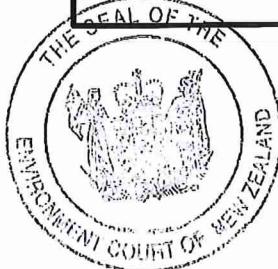


0 0.15 0.3 0.6 km
Scale: 1:15,100

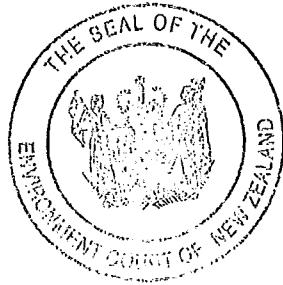


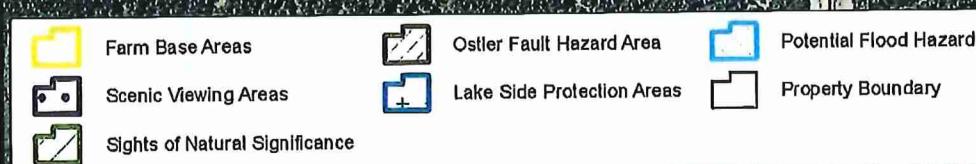
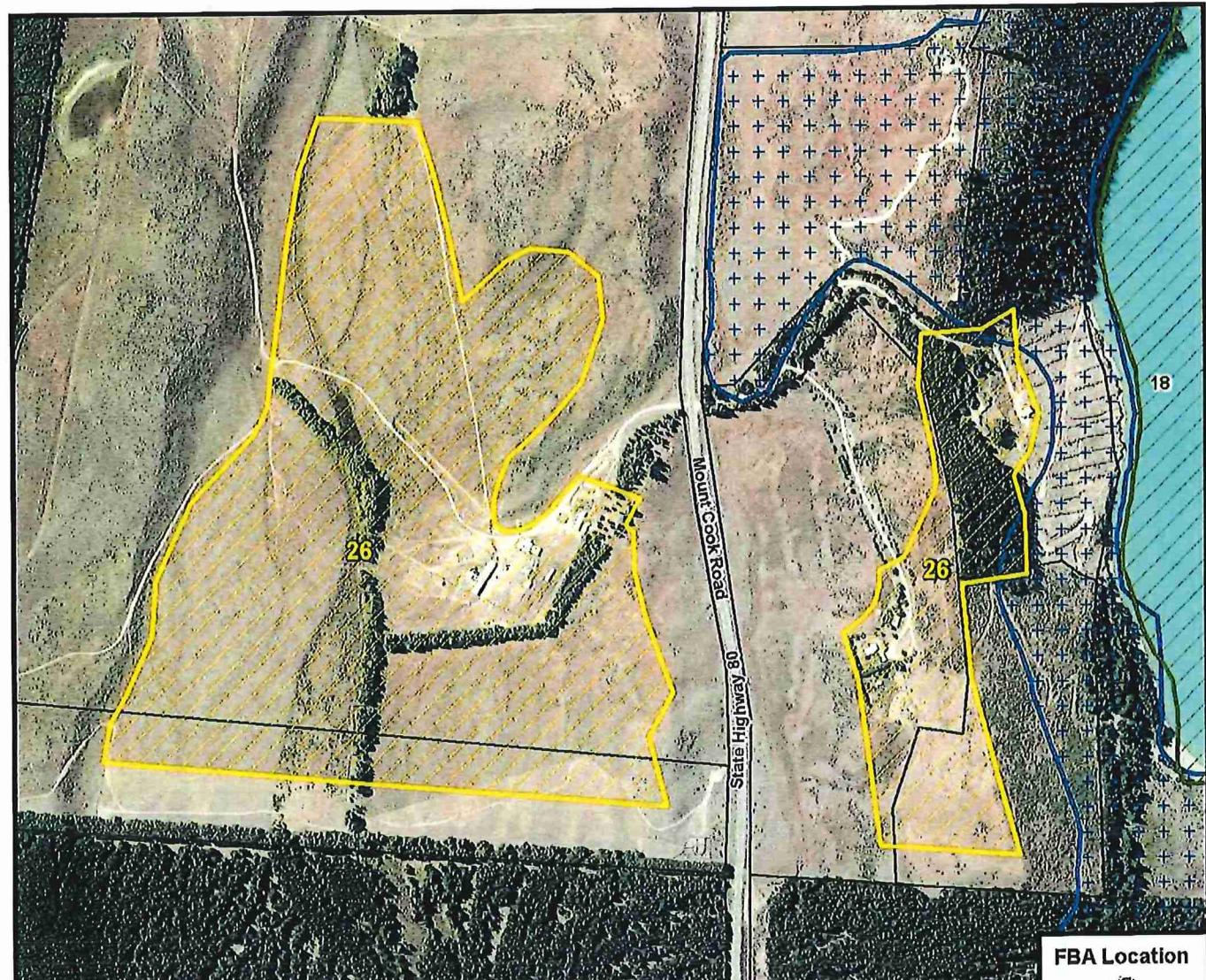


Title: R36 - Windy Ridges	 0 25 50 100 Meters	
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Annexure B – Pukaki Downs FBA to be amended in Appendix R





FBA Location



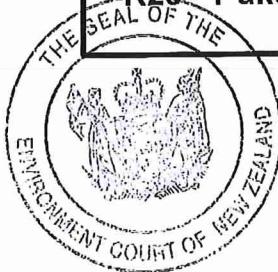
Title:

R26 - Pukaki Downs



0 50 100 200 Meters

Scale: 1:8,000



Annexure C

The Mackenzie District Plan, as amended by proposed Plan Change 13, is amended as shown below

(Note: additions are shown in *italics* and underlining; proposed deletions are shown in *italics* and ~~strikethrough~~)

Section 7 – Rural Zone

Policy 3B8 Renewable Energy

To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011 while, as far as practicable, avoiding, remedying or mitigating significant adverse effects on the outstanding natural landscape and features of the Mackenzie Basin.

Explanations and Reasons:

- The Resource Management Act 1991 and National Policy Statement for Renewable Electricity Generation 2011 specifically require particular regard must be given to the benefits to be derived from the use and development of renewable energy including the need to address climate change. This is particularly relevant in the Mackenzie Basin which contains utilities of national significance including the Pukaki High Dam, Tekapo A and B, the Ohau Power Stations, and part of Lake Benmore (which was created specifically for hydro-electricity generation purposes).*

Policy 3B10 Reverse Sensitivity

To avoid, remedy or mitigate adverse reverse sensitivity effects of non-farm development and residential activity on rural activities and activities such as power generation, transmission infrastructure, state highways, and the Tekapo Military Training Area.

Explanations and Reasons:

- Reverse sensitivity occurs where an established activity is vulnerable to complaints from a new land use. Within the Mackenzie Basin reverse sensitivity is most likely to occur where a new residential or commercial activity establishes close to a farming operation or infrastructure such that the new activity is adversely affected by effects of the existing activity such as noise, smell or heavy traffic movements.*

Policy 3B11 Hazards

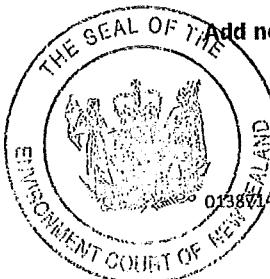
To avoid hazards caused by power generation, including water storage, water transport by canal and aqueduct or where it has been demonstrated that avoidance is not necessary, remedy or mitigate the adverse effects of the hazard.

Explanations and Reasons:

- The adverse effects of flooding resulting from failure or breach of hydroelectricity infrastructure, such as dams and canals, are most effectively avoided by directing new buildings away from areas subject to inundation from failure or breach of hydroelectricity infrastructure. The hydro-electricity inundation hazard areas in Appendix X identify areas potentially subject to inundation from failure or breach of hydroelectricity infrastructure. Where assessment of the flood risk (through the resource consent process) indicates that avoidance is not necessary, mitigation of the effects of flooding can be achieved when necessary by means such as requiring buildings to be located on higher land or to have higher floor levels.*

Add new Policy 3B11B Consequential effects of Occupied Buildings in Inundation Areas as follows:

Within hydro-electricity inundation hazard areas avoid occupied buildings which are likely to result in a requirement to cease to operate, upgrade, modify or replace the hydro-electricity related structures or significantly alter the operation of the affected portion of the hydro electricity scheme.



Explanations and Reasons:

- Inundation areas have been identified in Appendix X for all the hydroelectricity structures in the Mackenzie Basin should they fail. New occupied buildings within these inundation areas could result in the need for structures to be upgraded, modified or replaced or operations altered, causing substantial cost to the generator. In some cases it could result in a facility having to be closed down. This policy seeks to avoid this situation by requiring detailed assessment of any proposed occupied building in an inundation area to determine the level of effect on the generator.
- For the purposes of this Policy, "occupied buildings" has the same meaning as the meaning in Standard 3.1.2.h.

Add new Standard for Buildings in Hydro Electricity Inundation Hazard Areas to be inserted into 3.1.2 as follows:

3.1.2.h There shall be no occupied buildings located within a hydro-electricity inundation hazard area identified on the hazard map in Appendix X.

For the purposes of this standard "occupied buildings" means a building in which people reside, occupy or work on a permanent or regular basis; and includes residential accommodation, home occupations, factory farming, wintering barns, herd homes and dairy sheds.

Provided that a building shall be deemed not to be an occupied building if:

- (1) it is demonstrated that the building, will not raise the PIC level (Low, Medium, High) under the Building Act 2004 with the consequence of a requirement to cease to operate, upgrade, modify or replace the hydro electricity related structures or that it will significantly alter the operation of the affected portion of the hydro electricity scheme; and
- (2) it is located at least 150 metres from the toe of the embankment of any canal in fill or any dam or associated structure; and
- (3) is sited within an area of low hazard that would result from any dam breach within a hydro-electricity inundation hazard area; and
- (4) is designed so that any habitable floor area of any residential structure is a minimum of 300 mm above the maximum inundation level that would result from any dam breach; or
- (5) The building is a temporary structure required by the dam owner/operator to give effect to maintenance of any dam and associated structure, and the structure is in place for not longer than 12 months.

For the purpose of this rule:

"Dam" has the same meaning as the Building Act 2004 and includes canals and aqueducts.

"Low Hazard Area" means those areas that result from any dam breach which are subject to inundation where the water depth (metres) x velocity (metres per second) is less than or equal to 1, or where depths are less than 0.5 metre.

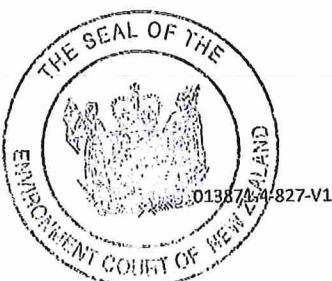
Add new Standard for Buildings in Hydro Electricity Inundation Hazard Areas to be inserted into Controlled activity rule 3.2.2 as follows:

3.2 Controlled Activities - Buildings

3.2.2 Within the Mackenzie Basin Subzone but excluding the Ostler Fault Hazard Area, farm buildings and farm retirement dwellings outside the defined farm base areas (see Appendix R).

Standards and Terms

- i Maximum height of farm buildings, excluding residential units and buildings used for accommodation shall be 1.5m;
- ii Maximum height for all other buildings shall be 8m.
- iii Minimum setback of buildings from state highways shall be 100m



- iv Minimum setback of buildings from other roads shall be 20m
- v Minimum setback from internal boundaries shall be 20m
- vi Sites of Natural Significance, Scenic Viewing and High Altitude Areas – Rule 3.1.1.e shall apply
- vii Riparian Areas – Rule 3.1.1.f shall apply
- viii Lakeside Protection Areas – Rule 3.1.1.i shall apply
- ix Flood Mitigation – Rule 3.1.1.j shall apply
- Note: For the avoidance of doubt, this rule does not apply to farm buildings and farm retirement dwellings within the Ostler Fault Hazard Area (refer Rule 3.3.4).
- x Hydro Electricity Inundation Hazard Areas – Rule 3.1.2h shall apply

Matters Subject to Council's Control

- External appearance and location within the landscape

Amend Discretionary Activity Rule 3.3.5 as follows:

3.3.5 Any Building which does not comply with any one or more of the following standards for Permitted Activity Buildings:

- 3.1.1.a Height of Buildings
- 3.1.1.b Setback from Roads
- 3.1.1.c Setback from Neighbours
- 3.1.1.d Access
- 3.1.1.e Sites of Natural Significance, Scenic Viewing and High Altitude Areas
- 3.1.1.f Riparian Areas
- 3.1.1.g Airport Noise
- 3.1.1.h Flood Mitigation – Floor Height/Location
- 3.1.1.i Flight Protection Areas
- 3.1.2h Hydro-Electricity Inundation Hazard Areas within Farm Base Areas

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to those matters of non-compliance.

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to standard 3.1.2h within the Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under standard 3.1.2h will not require the written approval of other persons or service on other persons and shall be non-notified.

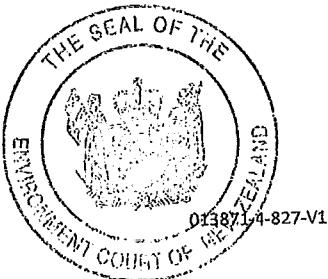
Amend Discretionary Activity rule 3.3.6 as follows:

3.3.6 Any Building which does not meet the Standards and Terms for Controlled Activity Buildings.

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to those matters of non-compliance. In considering any such discretionary activity arising from non- compliance with Standard 3.1.2h, the consent authority shall:

- I Restrict the exercise of its discretion to grant or decline consent to the assessment matters set out in 16.2.n: Buildings and Visitor Accommodation and Retail Sales within Hydro Electricity Inundation Hazard Areas In Appendix X;
- II Restrict the exercise of its discretion to place conditions on a consent to the assessment matters referred to in clause i. above and to the external appearance and location of buildings within the landscape.

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to standard 3.1.2h – Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under 3.1.2h will not require the written approval of other persons or service on other persons and shall be non-notified.



Amend Rule 8, Visitor Accommodation, as follows:

8.1 Permitted Activities – Visitor Accommodation

- 8.1.1 Homestays (refer definition) outside the Ostler Fault Hazard Area and hydro-electricity inundation hazard areas in Appendix X, which accommodates no more than 6 guests at any one time.
- 8.1.2 Visitor accommodation outside the Ostler Fault Hazard Area and hydro-electricity inundation hazard areas in Appendix X which accommodates up to 20 people at any one time provided the building complies with all the standards in 3.1.1 a to n.

8.2 Discretionary Activities – Visitor Accommodation

- 8.2.1 Homestays (refer definition) which accommodate no more than 6 guests at any one time and visitor accommodation which accommodates up to 20 people at any one time, provided the building complies with all the standards in 3.1.1 a to l located within the hydro-electricity inundation hazard in Appendix X.

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to hazard management.

- 8.2.2 Visitor accommodation and homestays not listed as a Permitted Activity or provided for under Rule 8.2.1.

- 8.2.23 Visitor accommodation and homestays in the Ostler Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).

Note – The owner of the relevant Hydro-Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to rule 8.2.1 and rule 8.2.2 within the Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under these rules will not require the written approval of other persons or service on other persons and shall be non-notified.

Insert the following assessment matters into section 16.2, Assessment Matters as it relates to buildings, visitor accommodation and retail sales:

- 16.2.n Buildings and Visitor Accommodation and Retail Sales not listed as a permitted activity within Hydro-Electricity Inundation Hazard Areas in Appendix X:
 - i The potential for reverse sensitivity and adverse effects of new buildings/activities on the operation and management of existing power generation infrastructure, including any effect on the Potential Impact Classification, and requirements in any dam safety assurance programme;
 - ii The risk of inundation associated with the uncontrolled release of water or operational discharges from existing power generation infrastructure, and the potential effects on property and life.

Section 13 – Subdivision, Development and Financial Contributions

Amend rule 4b Discretionary Activities as follows:

- 4b** Any subdivision which occurs within any area shown on the Planning Maps as "Flood Risk", within a Hydro-electricity Inundation Hazard Area in Appendix X, or within the Ostler Fault Area (refer Planning Maps 33,38,53 and 55), shall be a **Discretionary Activity**

Note – The owner of the relevant Hydro-Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to rule 4.b where it is within a Hydro-Electricity Inundation Hazard Area. Except as outlined above, any application under this rule will not require the written approval



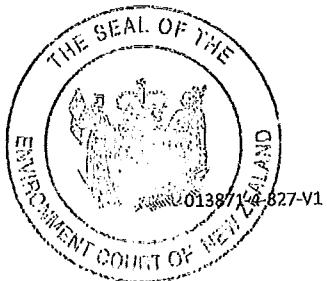
of other persons or service on other persons and shall be non-notified where it is within a Hydro-Electricity Inundation Hazard Area.

Insert the following assessment matters into Section 10.2, Assessment Matters:

10.2n Natural and Other Hazards

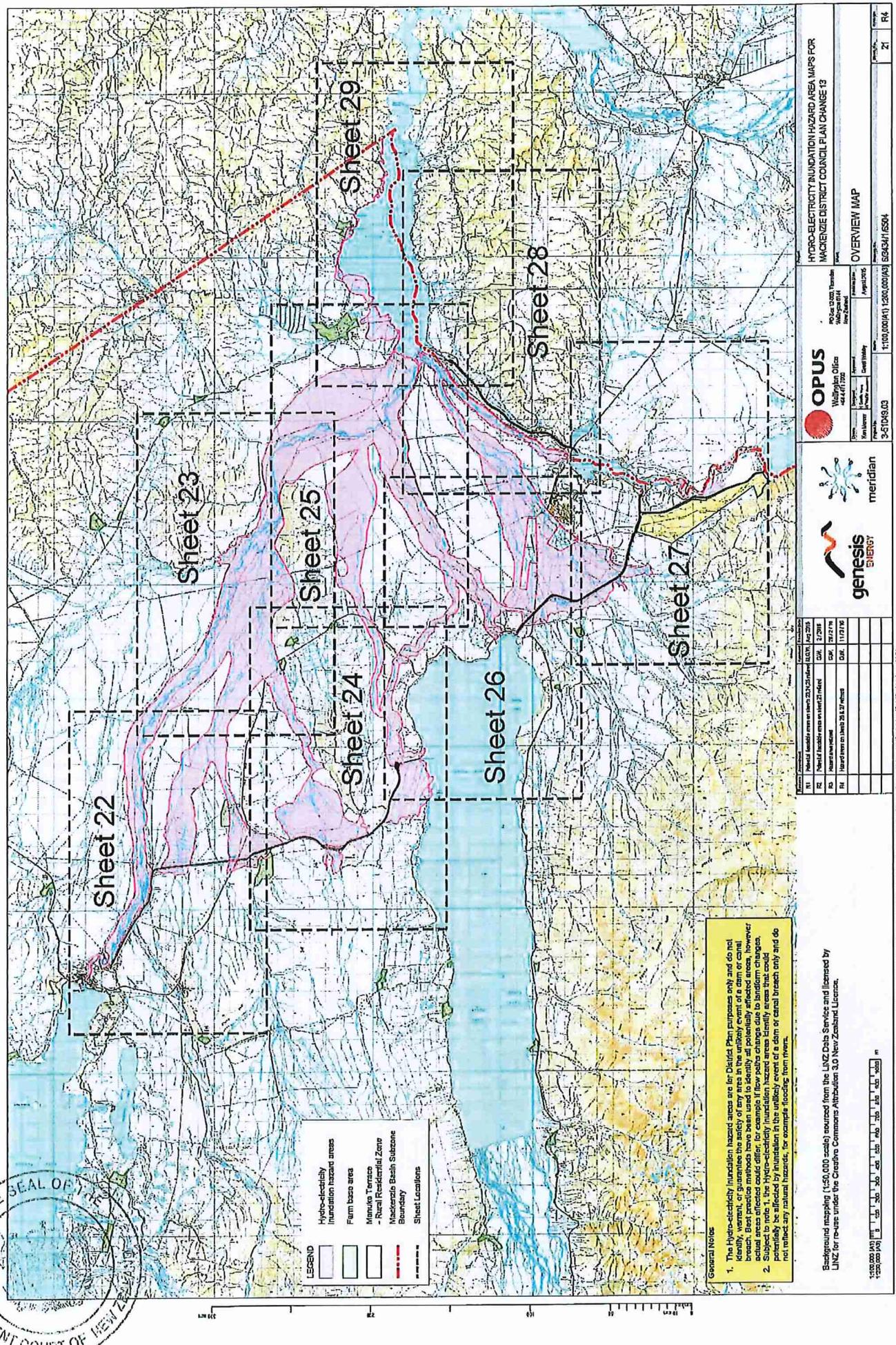
Within the hydro-electricity inundation hazard area identified on the hazard map in Appendix X;

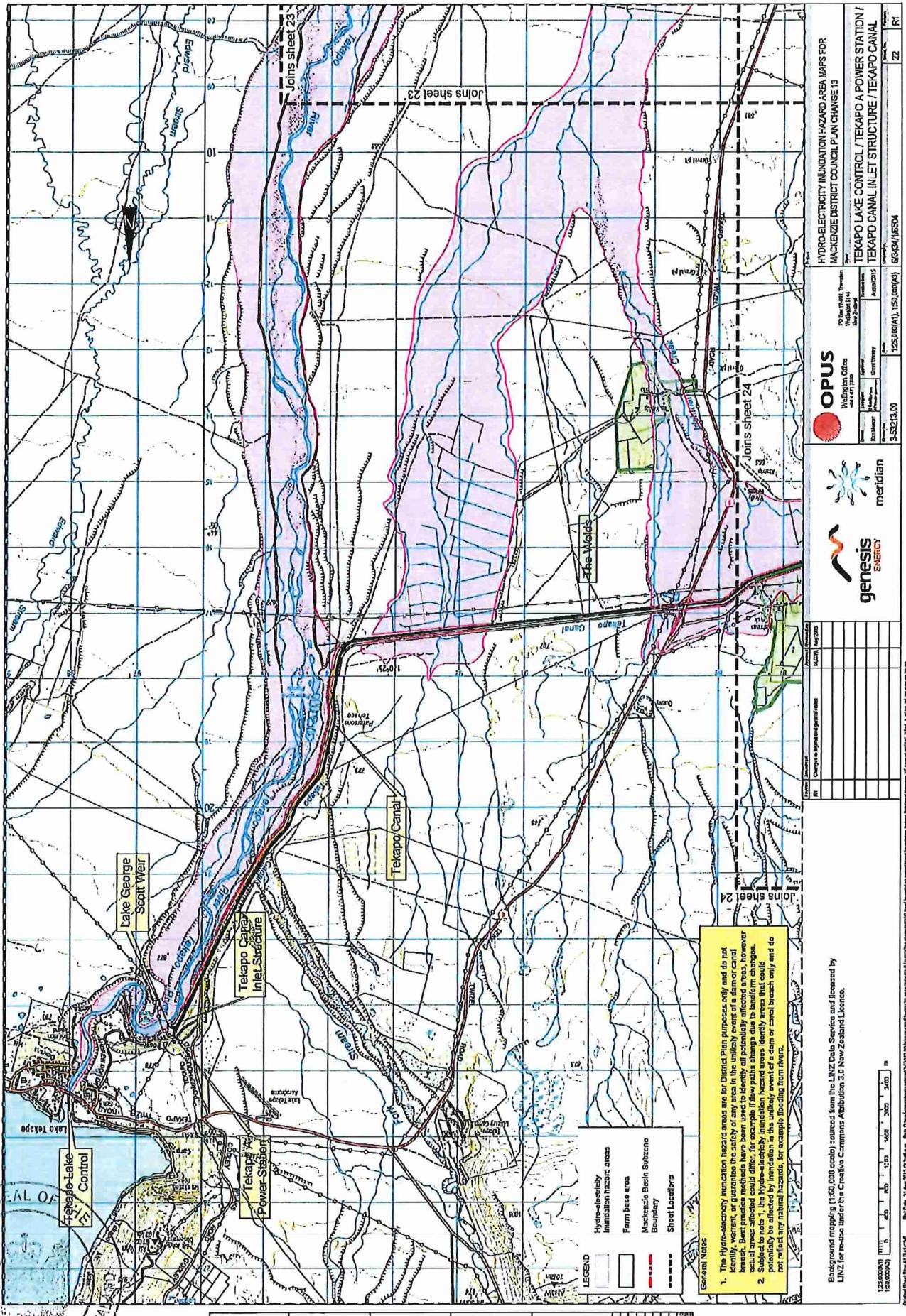
- xv The potential for adverse and reverse sensitivity effects on the operation and management of existing power generation Infrastructure, including any effect on the Potential Impact Classification, and requirements in any dam safety assurance programme;
- xvi The risk of inundation associated with the uncontrolled release of water or operational discharges from existing power generation infrastructure, and the potential effects on property and life.



Annexure D – Hydro-Electricity Inundation Hazard Area Maps

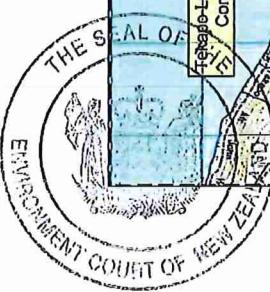


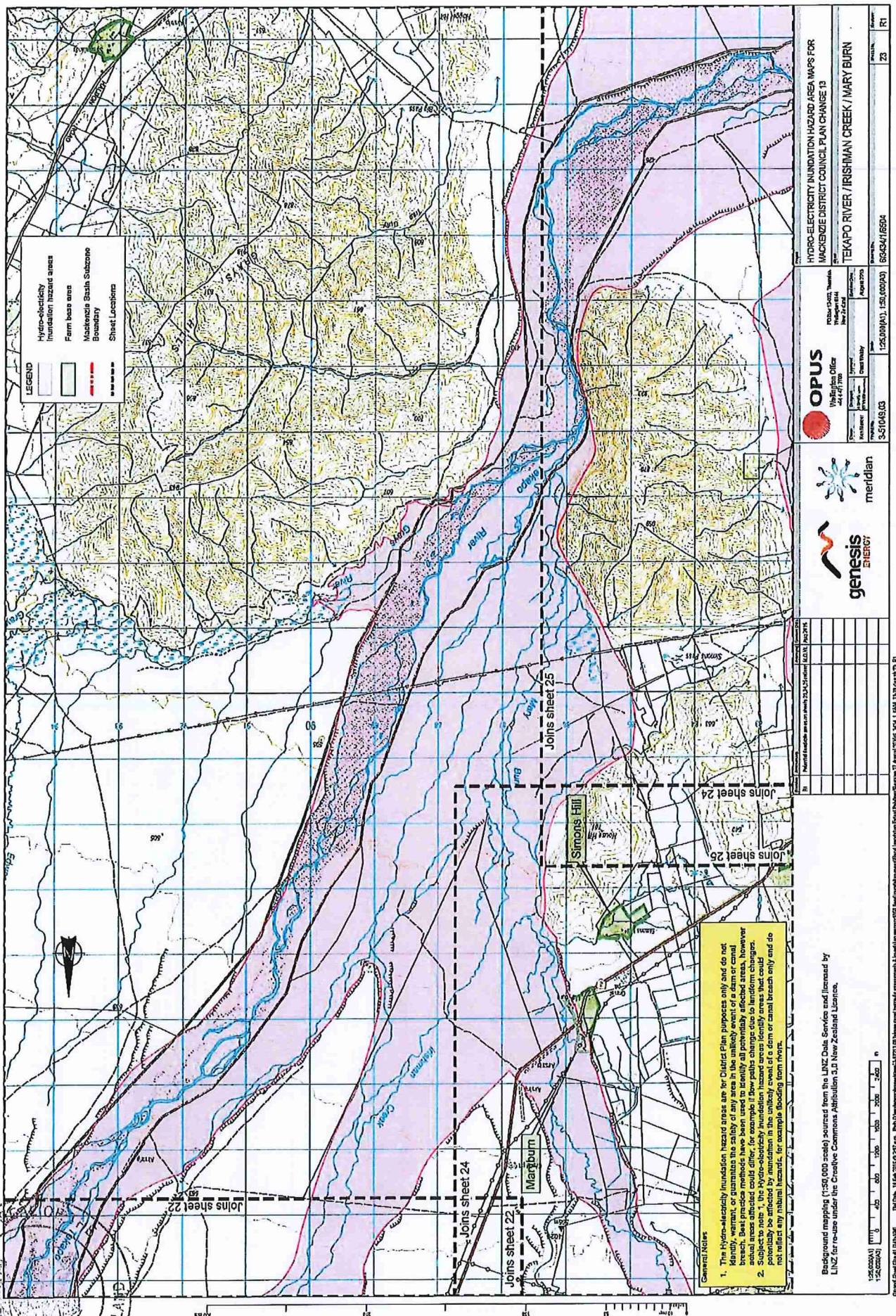




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Original Gr.

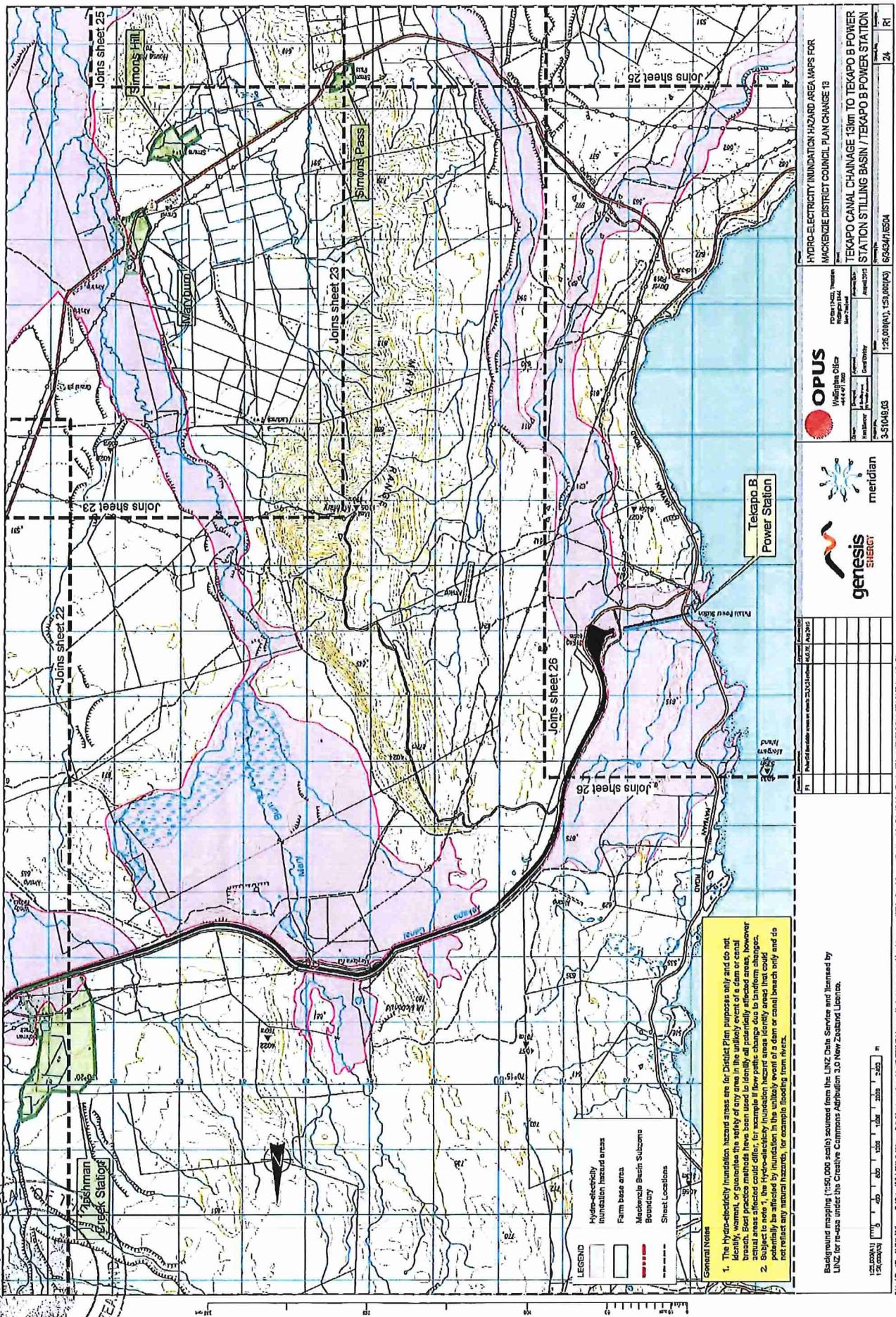


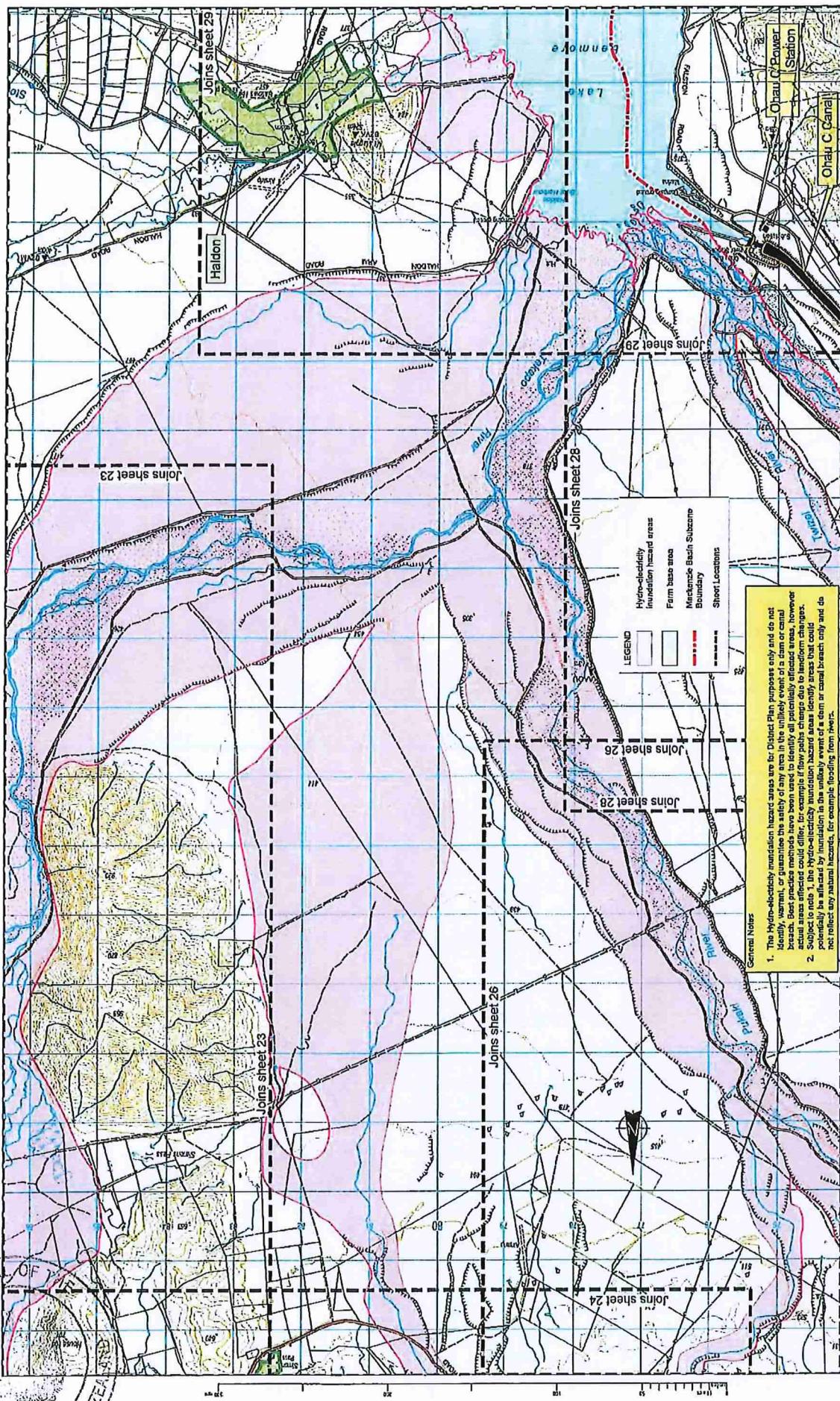


General Notes

1. The Hydro-electric Inundation hazard areas are for District Plan purposes only and do not identify, warn, or guarantee safety of any area in the unlikely event of a dam or canal breach. Such methods have been used to identify the potentially affected areas, however areas affected could differ, for example, if flow paths change due to random changes.
2. Studies to date of the hydro-electric inundation hazard areas have found that areas could be affected by flooding for up to 5 years after a major event. If a dam or canal breach only and do not affect my home, I will not be affected by flooding from river.

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HYDRO-ELECTRICITY INUNDATION HAZARD AREA MAPS FOR	
MACKENZIE DISTRICT COUNCIL PLAN CHANGE 13	
Area:	125,000ha (125,000ha)
Scale:	1:50,000
Sheet No.:	25
Sheet No.:	R2
OPUS Wellington Office 44-66 Queen Street Wellington 6011 New Zealand Telephone: +64 4 379 1000 Facsimile: +64 4 379 1001 Email: opus@opus.co.nz	
meridian genesis ENERGY	
Map No.:	125,000ha/125,000ha/25/R2
Map No.:	63534M/25/R2

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