



## **Plan Change 28 Part A**

**Contaminated Land, Hazardous Substances,  
Natural Hazards and Hydro Inundation  
Variation 1 to Plan Change 26  
Variation 1 to Plan Change 27**

## **Decision Report**

**24 July 2025**

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**Appendix 1:** Amended Provisions including definitions for Plan Change 28

**Appendix 2:** Amended Planning Maps

**Appendix 3:** Appearances and Tabled Evidence

**List of submitters addressed in this report:**

Submitter Ref	Further Submitter Ref	Submitter Name	Abbreviation
PC28.01	FS3	BP Oil New Zealand Limited, Mobile Oil New Zealand Limited and Z Energy Limited	Fuel Companies
PC28.02		Springwater Trust	
PC28.03		Mary Murdoch	
PC28.04		Peter Finnegan	
PC28.05		James Leslie	
PC28.08		Anthony Honeybone	
PC28.09		Tekapo Landco Ltd & Godwit Leisure Ltd	TLGL
PC28.12		Grant and Natasha Hocken	
PC28.13		Mackenzie Properties Ltd	Mackenzie Properties
PC28.14		High Country Properties Ltd	High Country Properties
PC28.23		Fat Albert Ltd	
PC28.25		Kelvin Duncan	
PC28.26		John Ten Have	
PC28.29	FS10	Natural Hazards Commission Toka Tu Ake	NHC
PC28.30		Michael Beauchamp	
PC28.31		Transpower New Zealand Limited	Transpower
PC28.32		Jason Wakelin	
PC28.35		Chorus New Zealand Limited, Connexa Limited, FortySouth Group LP (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	The Telcos
PC28.36		Fairlie and Districts Residents and Ratepayers Society	FDRRS
PC28.37		Elizabeth Shadbolt	
PC28.39	FS4	Meridian Energy Limited	Meridian
PC28.41		Brent Lovelock	
PC28.42		Director-General of Conservation	DOC
PC28.45		NZ Transport Agency Waka Kotahi	NZTA
PC28.46	FS5	Genesis Energy Limited	Genesis
PC28.47		Chris White	
PC28.48		Nick Ashley	
PC28.50	FS8	Canterbury Regional Council	CRC
PC28.52		Susan Allan	
PC28.53		Alistair Shearer	
PC28.55		Gary Burrowes	
PC28.56		Nova Energy Limited	Nova
PC28.57		Andrew Hocken	
PC28.58		Brent Mander	
PC28.59		Rachel Trumper	
PC28.60		Associate Professor Anna Carr (PhD)	Dr Carr
PC28.63		Neville Cunningham	
PC28.64		Opuha Water Limited	OWL

PC28.65	FS6	New Zealand Defence Force	NZDF
	PC28.FS11	The Wolds Station Ltd	
	PC28.FS12	Bronwen Murray	
	PC28.FS02	Lionel Green Family Trust	

**Abbreviations used in this report:**

<b>Abbreviation</b>	<b>Full Text</b>
AIRPZ	Airport Special Purpose Zone
Council	Mackenzie District Council
CLWRP	Canterbury Land and Water Regional Plan
CRPS	Canterbury Regional Policy Statement
CL	Contaminated Land
Damwatch	Damwatch Engineering Ltd
GRUZ	General Rural Zone
HAZS	Hazardous Substances
HI	Hydro Inundation
HI Hazard Overlay	Hydro Inundation Hazard Overlay
INF	Infrastructure
MDP	Mackenzie District Plan
MDPR	Mackenzie District Plan Review
NH	Natural Hazards
NH Overlays	Natural Hazards Overlays
NP Standards	National Planning Standards
NESTF	National Environmental Standards for Telecommunication Facilities) Regulations 2016
ONL	Outstanding Natural Landscape
ONF	Outstanding Natural Feature
PC13	Plan Change 13
REG	Renewable Electricity Generation
RMA	Resource Management Act 1991
SCA	Special Character Area
SUB	Subdivision
TEMP	Temporary Activities
V1PC26	Variation 1 to Plan Change 26 - Renewable Electricity Generation and Infrastructure
V2PC27	Variation 1 to Plan Change 27 - Subdivision, Earthworks, Public Access and Transport

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## 1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of three independent commissioners<sup>1</sup> to hear and decide the submissions and further submissions on Part A Plan Change 28 addressing:
  - Contaminated Land
  - Hazardous Substances
  - Natural Hazards
  - Hydro Inundation
  - Variation 1 to Plan Change 26 Renewable Electricity Generation and Infrastructure (V1PC26)
  - Variation 1 to Plan Change 27 Subdivision, Earthworks, Public Access and Transport (V1PC27)which form part of the Mackenzie District Plan Review (MDPR).
2. This Decision Report sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 28 Part A.
3. The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for PC28 were:
  - Section 42A Report: Plan Change 28 – Contaminated Land, Hazardous Substances, Natural Hazards and Hydro Inundation; Variation 1 to Plan Change 26; Variation 1 to Plan Change 27. Author: Meg Justice. Date: 24 April 2025.
  - Section 42A Report: Plan Change 28 – Contaminated Land, Hazardous Substances, Natural Hazards and Hydro Inundation; Variation 1 to Plan Change 26; Variation 1 to Plan Change 27, Hazards and Risks, Reply Report. Author: Meg Justice. Date: 19 June 2025.
4. In our Minute 3 dated 7 May 2024 we posed a number of questions to Ms Justice (the Section 42A Report author). We received written answers to those questions<sup>2</sup>.
5. The Hearing Panel's amendments to the notified provisions of PC28 Part A are set out in Appendix 1.
6. In Appendix 1 we also include all definitions relevant to PC28 Part A.
7. Amendments recommended by the Section 42A Report authors that have been adopted by the Hearing Panel are shown in ~~strike-out~~ and underlining. Further or different amendments made by the Hearing Panel are shown in red font as ~~strike-out~~ and underlining.
8. Amendments to the District Plan planning maps are shown in Appendix 2.

## 2. Hearing and Submitters Heard

9. There were 65 primary submissions and 12 further submissions on PC28. Of these, 39 submissions and 9 further submissions related to the Hazards and Risks Chapters.
10. Further submissions are generally not discussed in this Decision, because they are either accepted or rejected in conformance with our decisions on the original submissions to which they relate.
11. The Hearing for PC28 Part A was held in Fairlie and Twizel over the period Tuesday 27 May 2025 to Thursday 29 May 2025. The submitters and further submitters who attended the Hearing are listed below:

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<sup>1</sup> Megan McKay, Ros Day-Cleavin and Rob van Voorthuysen.

<sup>2</sup> Section 42A Reporting Officers' Response to Hearings Panel Questions, 20 May 2027.

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Submitter Ref	Submitter Name
PC28.03	Pukaki Airlodge (Mary Murdoch)
PC28.08	Anthony Honeybone
PC28.09	Tekapo Landco Ltd
PC28.36	Fairlie Residents and Ratepayers Association
PC28.39	Meridian
PC28.46	Genesis
PC28.47	Chris White
PC28.50	Canterbury Regional Council
PC28.53	Alistair Shearer
PC28.64	Opuha Water Limited
PC28.FS11	The Wolds Station (Bronwen Murray)

12. The individuals we heard from are listed in Appendix 3. Five submitters tabled evidence but did not appear at the Hearing and they are also listed in Appendix 3.
13. Copies of all legal submissions and evidence (either pre-circulated or tabled at the Hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the Hearing.
14. We received opening legal submissions from MDC's legal counsel Michael Garbett who addressed the statutory framework. We also received 'overview' evidence from Julie-Anne Shanks regarding the current stage of the MDPR, the PCs notified as part of Stage 4 of the MDPR and their integration with existing operative District Plan provisions.

### 3. Our Approach

15. We have decided to structure this Decision in the following manner.
16. Ms Justice's Section 42A Report sequentially addressed the submissions under the following topic-based headings:
  - Definitions
  - Contaminated Land Chapter
  - Hazardous Substances Chapter
  - Natural Hazards Chapter
  - Hydro Inundation Chapter
  - Variations
  - Site Specific Requests
17. For the ease of readers of this Decision, we have adopted the same approach here and mimic the headings used in the Section 42A Report.
18. The submissions received on the provisions covered by each of these headings were summarised in the Section 42A Report. We adopt those summaries, but do not fully repeat them here for the sake of brevity.
19. Where, having considered the submissions and the submitters' evidence and legal submissions, we nevertheless accept Ms Justice's final recommendations, we state that we adopt her analysis and recommendations as our reasons and decisions. Where we disagree with Ms Justice's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.

20. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A Reports listed in paragraph 3 above.

### **3.1 Statutory Framework**

21. We adopt the statutory framework assessment set out in section 6 of the Section 42A Report. We note that to be consistent with the framework described by Mr Garbett in paragraphs 5 and 6 of his opening legal submissions.

### **3.2 Out of Scope Submissions**

22. We agree with Ms Justice that Kelvin Winston Duncan's (25.02) submission point is not within the scope of PC28 Part A because it seeks to control the placement and scope of renewable electricity generation facilities. Consequently, we decline to consider that submission point.

### **3.3 Uncontested Provisions**

23. Table 1 of the Section 42A Report listed provisions within PC28 Part A which were either not submitted on, or where submitters sought their retention. Table 1 also listed the relevant submissions. We have decided to accept the submissions listed in Table 1 of the Section 42A Report and we do not discuss them further in this Decision. Consequently, the provisions listed in Table 1 of the Section 42A Report are retained as notified (unless a clause 10(2)(b) or clause 16(2) change has been made to them).

### **3.4 Section 32AA Assessments**

24. Where we adopt Ms Justice's recommendations, we also adopt her s32AA assessments. For those submissions we are satisfied that Ms Justice's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments.
25. Where we differ from Ms Justice's recommendations, we are required to undertake our own s32AA assessment at a level of detail that corresponds to the scale and significance of any changes we recommend to the notified District Plan provisions. In that regard we are satisfied that any such amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons we set out in this Decision.

## **4. Definitions**

### **4.1 Assessment**

26. Having considered the submissions received, we agree with Ms Justice's analysis in her Section 42A report that:
- a) the 'critical infrastructure' definition should be amended to clarify that only permanent NZDF buildings and structures are included in the definition and the words 'telecommunications and' should be omitted from the definition to align with the NESTF;
  - b) the definition for 'high flood hazard area' should be amended to include a water depth criterion for determining high flood hazard areas and grammatical improvements should be made to the definition; and
  - c) the definitions of 'natural hazard sensitive building' and 'surface fault rupture' should be retained as notified.
27. We note that submitters supported a number of definitions as notified. We agree with Ms Justice that those submissions<sup>3</sup> should be accepted.

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<sup>3</sup> The relevant submissions are set out in Table 2 of the Section 42A Report.

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28. Meridian sought an amendment to the definition of 'critical infrastructure' to support its proposed changes to the Notable Trees Chapter, which included reference to 'critical infrastructure'. However, as our decision on the Notable Trees Chapter does not recommend the amendment sought by Meridian, no change to the definition of 'critical infrastructure' is necessary.
29. Meridian also sought to amend the definition of 'critical infrastructure' to refer to supporting infrastructure. We agree with Ms Justice's Reply Report assessment that any structures forming part of 'critical infrastructure' are already captured by the definition and so we are not persuaded that Meridian's amendment is necessary.
30. CRC sought an amendment to the definition of 'critical infrastructure' regarding telecommunication and radio networks. We agree with Ms Justice's Reply Report assessment that it is sufficient to refer to 'networks' because poles and antennas are components of a network. However, we see merit in clarifying that the definition excludes items regulated by the NESTF, as was sought in the evidence of Rachel Tutty for CRC. We note her point<sup>4</sup> that facilities not managed under the NESTF include small cell units on new structures, and aerial lines that do not follow existing routes.
31. Ms Justice endorsed the amendment sought by CRC in her Reply Report<sup>5</sup>.
32. NZDF<sup>6</sup> sought to retain the notified word 'facilities' in the definition of 'critical infrastructure' which we find to be appropriate as it is more consistent with other references in the definition.
33. CRC sought to amend the definition of 'natural hazard sensitive building' to omit the exclusion of 'attached garages'. We agree with the evidence of Nicholas Griffiths<sup>7</sup> that garages attached to modern residential units often have the same potential for flood damage as the rest of the building, they are integral to the structure and use of the building, and they often contain items of value that could be damaged or destroyed during a flood. We note Mr Griffiths' evidence<sup>8</sup> that there is a resource consent pathway that could enable garages to be built with lower floor levels in certain circumstances. In our view, this would address Ms Justice's concern that, depending on the finished floor level stipulated in the Flood Hazard Assessment, issues may arise with forming a vehicle access into a garage.
34. Accordingly, we find that the definition of 'natural hazard sensitive building' should be amended as sought by Ms Tutty.

## 4.2 Decisions

35. Other than as discussed above, we adopt Ms Justice's analysis and recommendations as our reasons and decisions on submissions on the definitions for 'critical infrastructure'<sup>9</sup>, 'high hazard flood area'<sup>10</sup> and 'surface fault rupture'<sup>11</sup>.
36. We also adopt her analysis and recommendations as our reasons and decisions on the submission from NHC<sup>12</sup> seeking new definitions for 'unacceptable risk from natural hazards' and 'unacceptable risk from surface fault rupture to building occupants and neighbours'.
37. We accept CRC's (50.05) submission on the definition of 'natural hazard sensitive building'.
38. Other than as set out above, we made no changes to the definitions that were amended by PC28 Part A, Variation 1 to Plan Change 26 or Variation 1 to Plan Change 27.
39. Relevant definitions are shown in Appendix 1.

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<sup>4</sup> EIC Rachael Tutty paragraph 38(a).

<sup>5</sup> Paragraph 15(a).

<sup>6</sup> EIC Rebecca Davis, Principal Statutory Planner, NZDF.

<sup>7</sup> EIC Nicholas Griffiths paragraph 16.

<sup>8</sup> Paragraph 17.

<sup>9</sup> (CRC (50.01), NZTA (45.01), Transpower (31.01), Genesis (46.01), OWL (64.02), NZDF (65.01), the Telecoms (35.01), NHC (29.02) and Meridian (39.02)

<sup>10</sup> CRC (50.04)

<sup>11</sup> NHC (29.05)

<sup>12</sup> NHC (29.06)



## **5. Contaminated Land Chapter**

### **5.1 Assessment**

40. Several submitters<sup>13</sup> sought the retention of the Contaminated Land Chapter as notified. CRC (50.10) requested that the Introduction be amended to include additional words alerting MDP users dealing with contaminated land to the possible requirement for a consent from CRC. We find that to be appropriate.

### **5.2 Decision**

41. We adopt Ms Justice's analysis and recommendations as our reasons and decisions on the Contaminated Land Chapter.
42. The Introduction statement of the Chapter is amended as shown in Appendix 1.

## **6. Hazardous Substances Chapter - Objectives HAZS-O1, HAZS-O2 and HAZS Policies**

### **6.1 Assessment**

43. Several submissions supported the HAZS Chapter and sought that either the whole chapter, or specific objectives or policies, be retained as notified<sup>14</sup>. Other submitters<sup>15</sup> sought changes to the provisions.
44. Having considered the submissions and any evidence presented at the Hearing, we largely agree with Ms Justice's analysis and recommendations that:
- the title of HAZS-O1 should be amended to refer to "Storage and Use ..." and the text of the objective should be amended to culminate with the words "an appropriate level";
  - the title of objective HAZS-O2 should be amended to sensitive activities "in proximity to" Major Hazard Facilities. In her Reply Report Ms Justice advised that NH-O2 is intended to protect existing (once they are established) major hazard facilities from reverse sensitivity effects. Consequently, we find that the text of the objective should omit the word "existing";
  - HAZS-P2 should be amended to change the policy title to "New Major Hazard Facilities and Additions or Alterations to Existing Major Hazard Facilities" and to add the words 'and designed' in the chapeau of the policy; and
  - that the formatting of policy HAZS-P3 should be amended so that the two distinct outcomes sought by the policy are clear.

### **6.2 Decisions**

45. We adopt Ms Justice's analysis and recommendations as our reasons and decisions, subject to the above discussion on HAZS-O2.
46. The HAZS chapter provisions are amended as shown in Appendix 1.

## **7. Hazardous Substances Chapter - HAZS Chapter Rules and Matters of Discretion**

### **7.1 Assessment**

47. As we noted previously, several submissions supported the HAZS Chapter and sought that either the whole chapter, or specific rules and matters of discretion, be retained as notified<sup>16</sup>. Other submitters<sup>17</sup> sought changes to the provisions.
48. Having considered the submissions, we accept Ms Justice's analysis and recommendations that:
- HAZS-R1 matter of discretion (a) should refer to a 1:500 year ARI and that a clause 10(2)(b) a consequential change is made to HAZS-MD1.c;

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<sup>13</sup> NZDF (65.03), Nova (56.02), Fuel Companies (01.01) and Transpower (31.03).

<sup>14</sup> See paragraph 86 of the Section 42A Report.

<sup>15</sup> DOC (42.02), Meridian (39.03), (39.04) and (39.05)

<sup>16</sup> See paragraphs 109 and 110 of the Section 42A Report.

<sup>17</sup> CRC (50.15), Meridian (39.06) and NHC (29.07).

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- HAZS-R2.1 should refer to 'cumulative risks';
- HAZS-R2 has the word 'Assessment' added to HAZS-R2.3; and
- HAZS-R3 should be amended to include an additional matter of discretion to allow for the consideration of reserve sensitivity effects on Major Hazard Facilities.

## 7.2 Decisions

49. We adopt Ms Justice's analysis and recommendations as our reasons and decisions.
50. The HAZS chapter provisions are amended as shown in Appendix 1.

## 8. Natural Hazards Chapter - Introduction

### 8.1 Assessment

51. Several submissions<sup>18</sup> generally supported the NH chapter and others sought amendment to the Introduction text<sup>19</sup>. Various submitters<sup>20</sup> sought changes to the NH chapter provisions.
52. One submitter<sup>21</sup> opposed the NH chapter due to concerns about the MDP's approach to flood risk at SCA 12 Lyford Lane. We were not persuaded by their evidence that the MDP's approach to that matter is inappropriate. The reason being that while we acknowledge that elevated floor levels can mitigate localised flood risk, we agree with Ms Justice that relying solely on the Building Consent process does not give effect to the CRPS or fulfil MDC's RMA obligations to manage natural hazard risk consistently across the wider area.
53. Having considered the submissions received and the submitters' evidence, we accept Ms Justice's analysis and recommendations that the Introduction section of the NH chapter should be amended to recognise that natural hazard events can affect the natural environment, to more clearly describe how the faults are mapped and to delete the erroneous reference to the Rural-Urban Interface Overlay.
54. We address CRC's request for a new rule for buildings and structures that will divert or displace floodwater in section 12 of this Decision Report. However, we agree that the Introduction text should be amended to refer to that matter in response to the submission of CRC (50.30). In our view that suitably reflects one element of the NH-S1 flood hazard assessments undertaken for NH-R1.
55. We also agree with Ms Justice's Reply Report recommendations that text be added to:
- recognise 'managing the planting of wilding conifers' in response to the submission of DOC (42.09); and
  - clarify that the NH chapter does not apply to works with the beds of lakes and rivers in response to the submission of OWL (64.10).

### 8.2 Decisions

56. We adopt Ms Justice's analysis and recommendations as our reasons and decisions.
57. The NH chapter Introduction is amended as shown in Appendix 1.

## 9. Natural Hazards Chapter - Overlays

### 9.1 Assessment

58. Several submissions<sup>22</sup> supported the NH Overlays<sup>23</sup> in full or in part.

<sup>18</sup> Nova (56.04), DOC (42.04) and NHC (29.01).

<sup>19</sup> OWL (64.06), DOC (42.05), CRC (50.18) and NHC (29.08).

<sup>20</sup> CRC (50.15), Meridian (39.06) and NHC (29.07).

<sup>21</sup> A. Hocken (57.01).

<sup>22</sup> OWL (64.05) and NHC (29.09).

<sup>23</sup> Flood Hazard Assessment Overlay; Fault Hazard (Critical Infrastructure) Overlay; Fault Hazard (Subdivision) Overlay; Fault Hazard (Ostler Fault) Overlay; and Liquefaction Overlay

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59. FDRRS (36.01 and 36.03) opposed the Flood Hazard Assessment Overlay and the Liquefaction Overlay and sought that those overlays are deleted. Both overlay maps were produced by CRC and the relevant technical reports are found at Appendices 1 and 5 of the Section 32 materials for PC28 Part A.
60. At the Hearing we heard from FDRRS Chairperson Simon Abbott and FDRRS Secretary Dr. Elizabeth McKenzie. Neither witness addressed the Liquefaction Overlay, nor was any evidence provided that disputed CRC's overlay mapping methodology.
61. Dr. McKenzie helpfully clarified that FDRRS' concern was based on their understanding that the flood overlay was not based on modelling. In response to our questions, she advised that FDRRS was not opposed to the NH-S1 flood hazard assessments, but considered that the 'flood maps' should not be publicly available.
62. We pointed out that the NH permitted activity rules relied on the NH-S1 flood hazard assessments and those assessments relied in turn on the Flood Hazard Assessment Overlay being publicly available. Dr. McKenzie responded that FDRRS would be happy with the Flood Hazard Assessment Overlay if it contained appropriate caveats that the resultant flood hazard needed to be confirmed by the NH-S1 flood hazard assessments.
63. We understand that is already the case as is explained in the NH Introduction text which states:  
*For instance, the District Plan maps identify part of the district that may be subject to flooding. It does not identify high flood hazard areas, rather high flood hazard areas are identified through the site specific flood hazard assessment process. This enables the most up-to-date technical information to be used. Information showing the modelled flood characteristics within specific parts of the district is publicly available online via Canterbury Maps. This information is indicative only and will be updated to reflect the best information as it becomes available.*
64. Accordingly, we do not consider that any amendment is required to address FDRRS' concerns.

## 9.2 Decisions

65. We adopt Ms Justice's analysis and recommendation as our reasons and decisions.
66. All the Natural Hazard Overlays are retained as notified, aside from one minor site specific amendment addressed in section 16 of this Decision.

## 10. Natural Hazards Chapter - Objectives

### 10.1 Assessment

67. Several submitters<sup>24</sup> supported some or all of the NH Chapter objectives.
68. Meridian (39.09) sought a new objective to provide additional direction for the management of critical infrastructure. They also sought an amendment to objective NH-O1 to exclude it from applying to critical infrastructure.
69. CRC (50.20) and the Telcos (35.06) sought amendments to NH-O2 so that it would align with NH-P8. CRC (50.21) also sought an amendment to objective NH-O4 to enable the development of natural hazard mitigation works and systems.
70. Having considered the submissions received and the submitters' evidence we agree with Ms Justice that:
  - NH-O2 should be amended so that it and not NH-O1 addresses new critical infrastructure;
  - NH-O2 should address the situation where there is a functional need or operational need for critical infrastructure to be located within areas of high natural hazard risk;
  - NH-O2 should require critical infrastructure to firstly avoid increased natural hazard risks to people, property and infrastructure where practicable and to otherwise mitigate those risks;
  - there may be situations where critical infrastructure also falls into the definition of major hazard facility and NH-O2 should recognise that fact;

<sup>24</sup> OWL (64.06), CRC (50.19), Genesis (46.13, 46.14) and Transpower (31.06).

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- NH-O2 should be amended to give better effect to CRPS objective 11.2.1 and policy 11.3.4;
- in relation to NHC (29.12) NH-O3 as worded with the inclusion of 'exacerbate' could be applied to the consideration of residual risks that may occur in the event of a natural hazard mitigation structure failing and so no further amendment is required; and
- in response to CRC (50.21) NH-O4 should enable natural hazard mitigation works and systems. We discuss that particular matter further in section 12 of this Decision Report.

## 10.2 Decision

71. We adopt Ms Justice's analysis and recommendation as our reasons and decisions.
72. NH-O1, NH-O2 and NH-O4 are amended as shown in Appendix 1.

## 11. Natural Hazards Chapter - Policies

### 11.1 Assessment

73. A number of submissions<sup>25</sup> supported the various NH policies and sought to retain them as notified.
74. Other submissions sought to amend NH-P1<sup>26</sup>, NH-P3<sup>27</sup>, NH-P4<sup>28</sup>, NH-P5<sup>29</sup>, NH-P6<sup>30</sup>, NH-P7<sup>31</sup>, NH-P8<sup>32</sup> and NH-P10<sup>33</sup>.
75. Notably in terms of those submissions:
  - NZTA advised that based on Ms Justice's recommendations they did not wish to be heard;
  - Transpower advised that they agreed with Ms Justice's recommendations relating to their submission points and so they did not wish to be heard;
  - DOC advised that as a result of discussions with MDC officers, their concerns had largely been addressed, such that there were no outstanding matters that warranted appearance at the Hearing; and
  - NHC and NOVA did not provide any evidence and did not attend the Hearing.
76. Consequently, we accept Ms Justice's recommendations relating to the submissions of those parties. That includes the new NH-P4A addressing 'Critical Infrastructure In High Flood Hazard Area' recommended by Ms Justice in response to the submission of Transpower.
77. In response to the submission of CRC (50.22) we agree that NH-P1 should be amended to refer to "natural hazard assessments", consistent with NH-S1. In response to the submission of Meridian (39.12) we agree that NH-P8.2.a should be clarified to refer to "risks resulting from a surface fault rupture hazard".

### 11.2 Decisions

78. We adopt Ms Justice's analysis and recommendations as our reasoning and decisions.
79. The amended NH policies are set out in Appendix 1.

<sup>25</sup> NHC (29.13), OWL (64.06), CRC (50.23), NZDF (65.05, 65.06), Meridian (39.11), NZTA (45.02, 45.04) and Genesis (46.15, 46.16, 46.17).

<sup>26</sup> CRC (50.22),

<sup>27</sup> DOC (42.06),

<sup>28</sup> DOC (42.07), NOVA (56.05), Transpower (31.08),

<sup>29</sup> NZTA (45.03), Transpower (31.08), CRC (50.25) and NHC (29.14).

<sup>30</sup> DOC (42.08)

<sup>31</sup> NHC (29.15) and Transpower (31.09)

<sup>32</sup> Transpower (31.09), NHC (29.16), Meridian (39.12) and CRC (50.26).

<sup>33</sup> DOC (42.09).

**12. Natural Hazards Chapter -Rules, Standards and Matters of Discretion****11.1 Assessment of rules**

80. A number of submissions<sup>34</sup> supported various NH rules and sought to retain them as notified.
81. Amendments were sought to NH-R3<sup>35</sup>, NH-R4<sup>36</sup>, NH-R6<sup>37</sup> and NH-R8<sup>38</sup>. As we noted earlier, NHC did not participate any further in the Hearing process and Transpower accepted Ms Justice's recommendations. The Telcos<sup>39</sup> agreed with Ms Justice's recommendations.
82. For OWL Julie Crossman advised that an amendment was sought to NH-R5 to permit natural hazard mitigation works undertaken in accordance with a rule in the Canterbury Land and Water Regional Plan or a resource consent granted by CRC. We are not persuaded that is appropriate, because we understand that the District Plan rules relate to activities regulated under section 9 of the RMA outside the beds of lakes and rivers and those rules do not seek to duplicate the regulatory functions of the CRC. In that regard we accept Ms Justice's recommendation to insert a note in the Introduction section of the Natural Hazards and Earthworks chapters stating that the chapter does not apply to earthworks within the beds of lakes and rivers as they are managed under the regional planning framework.
83. CRC (50.28) and OWL (64.10) sought to amend to NH-R5 so that it would apply to new natural hazard mitigation works undertaken by regional and territorial authorities. OWL also sought for the rule to apply to critical infrastructure providers.
84. We asked CRC planner Joeline Irvine to consider wording for a revised rule that was limited to new works that were likely to have only a minor adverse effect. She provided Supplementary Evidence<sup>40</sup> containing wording for a revised rule. In her Reply Report Ms Justice considered Ms Irvine's wording could be simplified. Reflecting on their respective views, we find that NH-R5 should be amended to refer to the upgrading or establishment of new natural hazard mitigation works, but that it should be limited to works that maintain or reinstate the pre-existing level of protection, as was suggested by Ms Irvine.
85. We agree with Ms Justice that it is appropriate that the provisions of other District Wide Matters chapters<sup>41</sup> continue to apply to natural hazard mitigation works in addition to rule NH-R5 where relevant. Accordingly, we do not consider that the advisory note in NH-R5 should refer to chapters other than the Earthworks chapter.
86. We have amended NH-R5 so that new and upgrades to existing natural hazard mitigation works undertaken by parties other than regional and territorial authorities is a restricted discretionary activity. That would include OWL. We do not consider an RDIS consent to be unduly onerous and so we conclude that the rule does not need to be amended to explicitly include critical infrastructure providers.
87. CRC sought a new permitted activity rule that would address the diversion or displacement of floodwaters and not worsen effects on other properties. In his opening legal submissions, counsel for MDC, Michael Garbett, submitted that the diversion of water more directly fits under CRC's statutory section 30(1)(e) functions of the Act. He also submitted that the rule sought by CRC was not capable of objective determination. It would likely involve experts producing a model and determining inputs to be able to verify whether flood flows from a particular structure do or do not worsen flood effects (and by how much) on the adjoining land. We agree that would be the likely outcome.
88. We asked Ms Justice and CRC planner Rachel Tutty to consider this matter further and prepare a Joint Witness Statement for our consideration. The resulting JWS<sup>42</sup> led to some amendments to the rule initially

<sup>34</sup> NHC (29.17, 29.20), CRC (50.27, 50.31, 50.32), OWL (64.07, 64.09, 64.11), Fuel Companies (01.03), The Telcos (35.07), Transpower (31.10), Meridian (39.13) and Genesis (46.18, 46.19, 46.20).

<sup>35</sup> OWL(64.08)

<sup>36</sup> NHC (29.18) and Telcos (35.08)

<sup>37</sup> NHC (29.19), Telcos (35.09) and Transpower (31.11).

<sup>38</sup> Telcos (35.10)

<sup>39</sup> EIC Tom Anderson

<sup>40</sup> Supplementary Statement of Evidence of Jolene Margaret Irvine on Behalf of The Canterbury Regional Council, Natural Hazards, 6 June 2025

<sup>41</sup> For example, the SASM, Historic Heritage, Natural Character and Natural Features and Landscapes Chapters.

<sup>42</sup> Joint Witness Statement, Planning Experts For Canterbury Regional Council And Mackenzie District Council, 11 June 2025.

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proposed by Ms Tutty, and agreement that, should the rule be included in the MDP, CRC would provide some technical assistance to support MDC with implementing the rule.

89. We are grateful for the assistance provided by Ms Justice and Ms Tutty, but we are not persuaded that a rule is required to address the diversion and displacement of floodwater. Firstly, we were not provided with any evidence that this is a significant issue in the Mackenzie District. We also agree with Mr Garbett that managing the diversion of floodwater is primarily a CRC section 30 function. We are not convinced that a permitted activity rule that is reliant on flood modelling for its implementation is appropriate, because as the JWS states<sup>43</sup>, CRC does not agree to quantify off-site flooding effects associated with proposed activities on behalf of applicants or the MDC, nor comment on the significance of off-site flooding effects that have been quantified. That would differ from other NH permitted activity rules which rely on the NH-S1 flood hazard assessments which are undertaken by CRC.
90. However, in her Reply Report Ms Justice noted that the Earthworks Chapter included matters of discretion that enable flooding effects of earthworks, that require resource consent, to be addressed. The relevant provisions are EW-S1(b), EW-S2(e) and EW-S3(b). Ms Justice recommended an amendment to rule EW-R3 to include 'flooding' in matter of discretion (b) to ensure that potential flooding effects of earthworks that require consent under this rule are addressed. We find that to be appropriate and recommend accordingly.
91. We decline to insert a new permitted activity rule addressing the diversion or displacement of flood waters and CRC's submission on that matter is rejected.

## 11.2 Assessment of standards and matters of discretion

92. NZDF<sup>44</sup> supported Ms Justice's recommendation to amend NH-S1 and accepted or was neutral on her recommendations regarding their other PC28 Part A submission points<sup>45</sup>. NZDF did not attend the hearing.
93. Regarding FDRRS' (36.02) submission on standard NH-S1, we agree with Ms Justice that raising floor levels 300 mm above the 500-year ARI flood level is the commonly used and widely preferred approach to mitigate the potential effects of flooding. We note that alternative mitigation options can be assessed through a resource consent process which we find to be appropriate.
94. Regarding Susan Allen (52.02), we note that NH-R10 only applies at the interface of urban and rural zones, and will not apply to land at or adjacent to the freedom camping area at Edwards Stream.
95. There were no submissions on the matters of discretion.

## 11.3 Decisions

96. We adopt Ms Justice's analysis and recommendations as our reasoning and decisions, other than as outlined in section 11.1 above.
97. The NH rules and standards and Earthworks chapter are amended as set out in Appendix 1.

## 13. Hydro Inundation Chapter – Whole Chapter, HI Hazard Overlay and HI Rules

### 13.1 Assessment

98. Nova (56.06) supported the HI Hazard Overlay and the HI Chapter.
99. Twenty-one submissions<sup>46</sup> opposed the HI Chapter and the HI Hazard Overlay. Three further submitters<sup>47</sup> who were not original submitters, also opposed those provisions.

<sup>43</sup> Paragraph 14.

<sup>44</sup> EIC Rebecca Davis, Principal Statutory Planner, NZDF.

<sup>45</sup> Including the definition of "natural hazard sensitive building".

<sup>46</sup> Michael Beauchamp (30.01), Neville Cunningham (63.01), Peter Finnegan (04.01), Rachel Trumper (59.01), Anthony Honeybone (08.01), Nick Ashley (48.01), Grant and Natasha Hocken (12.01), Jason Wakelin (32.01), Mckenzie Properties Ltd (13.01), Brent Mander (58.01), High Country Properties Ltd (14.01), Fat Albert Ltd (23.01), Alistair Shearer (53.01), Chris White (47.01), John Ten Have (26.01), Springwater Trust (02.02), Brent Lovelock (41.01), Mary Murdoch (03.01), Associate Professor Anna Carr (PhD) (60.01), James Leslie (05.01) and Elizabeth Shadbolt (37.01)

<sup>47</sup> Lionel Green Family Trust (FS02), The Wolds Ltd (FS11) and B Murray (FS12).

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100. The main reasons for opposition related to a perception that the HI Overlay was not based on a risk-based approach, given the acknowledged low likelihood of a Waitaki Power Scheme (WPS) canal or dam breach occurring.
101. We firstly note Mr Garbett's opening submission that the HI overlay was first established by PC13 and subsequently approved by the Environment Court in a consent order<sup>48</sup>. At that time jurisdiction only extended to what was then the Rural Zone. This meant that the full extent of the hydro inundation overlay mapped by Damwatch was not included and gaps in the HI Overlay occurred at Pūkaki Airport, the Lyford Lane area and a small area near Flanagan Lane. PC28 Part A simply seeks to fill those gaps which we find to be appropriate.
102. Mr Garbett submitted that MDC relied on the technical advice of Damwatch regarding the extent of the potential risk in the event of a dam or canal breach occurring.
103. Meridian Energy provided substantial evidence relating to the HI Overlay and the associated HI provisions. That evidence included a statement by William Veale from Damwatch. He described the regulatory regime for dams in NZ and the HI Overlay mapping undertaken by Damwatch. We have no reason to doubt the veracity of Mr Veale's evidence and we note no submitter in opposition presented any technical evidence to the contrary. We are satisfied that the HI Overlay represents areas that could be flooded in the unlikely event of failure of any of the respective dams and canals associated with the WPS.
104. We find that HI is a potential hazard that needs to be appropriately managed.
105. In that regard we consider the HI hazard to be an RMA section 3 "potential effect of low probability which has a high potential impact".
106. However, we were not satisfied that the notified version of HI-R1 was appropriate for a permitted activity. We were particularly concerned about the practicality of HI-R1.1 and the inability of anyone except Meridian or Genesis being able to determine if that condition was met or not.
107. Accordingly, we explored with James Walker<sup>49</sup> exactly what the impacts of additional development within the HI Overlay might be on Meridian. He advised that would relate to additional monitoring of the canals and dams using automated equipment or a greater frequency of manual inspections; an automated dam breach monitoring system that would inform MDC and other affected parties of the breach; and the establishment of evacuation plans<sup>50</sup>. Mr Walker confirmed that additional development within the HI Overlay would be highly unlikely to cause the WPS to "cease to operate". His helpful responses confirmed our view that HI-R1 as notified was inappropriate.
108. We invited Meridian planning witness Sue Ruston (along with Richard Matthews for Genesis) to caucus with MDC officers to develop an alternative rule that more closely married NH-R1, which was a rule that we understood to be functioning well and capable of practical implementation. We note that submitter Anthony Honeybone<sup>51</sup> also supported a response that was similar to CRC's approach to flooding, as reflected in NH-R1.
109. We received a JWS<sup>52</sup> setting out agreed wording for a replacement HI-R1. Importantly, the replacement rule had a new condition requiring that "A Hydro Inundation Hazard Assessment is issued in accordance with HI-S1 and is provided to Council". The JWS also included a new HI-S1 that addressed a "Hydro Inundation Hazard Assessment" that would be undertaken by the relevant hydro electricity generation asset owner, namely either Meridian or Genesis.

<sup>48</sup> Consent order Federated Farmers of NZ Inc v Mackenzie DC (ENV-2009-CHC-193) dated 11 May 2018, paragraphs 2 and 3 ordering changes to Section 7 Rural Zone and 13 Subdivision, Development and Financial Contributions and to insert a new Appendix being Annexure D the Hydro-Electricity Inundation Hazard Area Maps.

<sup>49</sup> Principal Dam Safety and Civil Engineer at Meridian Energy Limited.

<sup>50</sup> Mr Walker advised that Meridian does not itself produce community evacuation plans as they are developed by MDC. However, it does participate in civil defence exercises.

<sup>51</sup> One of three lay submitters in opposition that we heard from.

<sup>52</sup> Joint Witness Statement, Planning Experts For Meridian Energy Limited, Genesis Energy Limited and Mackenzie District Council, Dated 6 June 2025.

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110. We are satisfied that the versions of HI-R1 and HI-S1 set out in the JWS are appropriate and capable of practical implementation.
111. Regarding the concerns forcefully expressed by Mary Murdoch (Pukaki Airlodge) and Bronwen Murray (The Wolds Station), we are not persuaded that the HI Overlay and associated rules should be omitted from the MDP, due to the high potential impact of the HI hazard should it eventuate and the absence of any technical evidence to support removal of the Overlay. This includes Pukaki Airport.
112. In response to our queries regarding the HI Overlay maps, Ms Justice recommended the addition of an annotation to the District Plan maps that would read:
- Hydro Inundation Hazard Overlay – represents areas that could be flooded in the unlikely event of failure of any of the dams and canals associated with the Waitaki Power Scheme. While the likelihood of a structural failure of a dam or canal is very low, the consequences could be serious for people, property and the environment.
113. We find that annotation to be appropriate.
114. Genesis sought the inclusion of a new rule to capture other activities<sup>53</sup> that might place people at risk within the HI Overlay. Ms Justice did not initially support that request, but the JWS referred to above included a new rule addressing ‘camping grounds’ and ‘community facilities’, both of which are defined terms in the MDP. Mr Matthews additionally sought the new rule to include ‘rural tourism facilities’, which is also a defined term.
115. We are generally satisfied with the new rule contained in the JWS. However, we find that ‘camping grounds’ and ‘community facilities’ should be qualified to those that provide overnight accommodation as we understand that to be the greatest area of risk given the difficulty of implementing evacuation plans in the middle of the night. While we consider the rule should not include ‘rural tourism facilities’ as defined in the MDP in an unqualified manner, given the broad nature of the associated definition, we also find that if that same qualification is applied to ‘rural tourism facilities’ then it would be appropriate to include that term in the new rule.

### 13.2 Decisions

116. We adopt Ms Justice’s analysis and recommendations as our reasons and decisions, other than as outlined above.
117. The amended HI chapter provisions are set out in Appendix 1.

## 14. Hydro Inundation Chapter – Introduction, Objectives and Policies

### 14.1 Assessment

118. Meridian (39.16) sought an amendment to the Introduction whereas Genesis (46.12) supported it as notified. NHC (29.22, 29.23), Genesis (46.22, 46.23) and Meridian (39.17, 39.18) supported HI-O1 and HI-P1 and sought to retain them as notified. CRC (50.34, 50.35) was neutral on those provisions.
119. Ms Justice recommended a minor amendment to the Introduction which we find to be appropriate.

### 14.2 Decisions

120. We adopt Ms Justice’s analysis and recommendation as our reasoning and decision.
121. The amended HI chapter provisions are set out in Appendix 1.

## 15. Variation 1 to PC 26 and Variation 1 to PC 27

### 15.1 Assessment

122. Section 14 of the Section 42A Report described the nature of the Variations and the submissions received. Several submissions<sup>54</sup> sought no change.

<sup>53</sup> Other than occupied buildings,

<sup>54</sup> Telcos (35.05), Nova (56.12, 56.11), OWL (64.12, 64.13), CRC (50.08, 50.09) and Genesis (46.04).



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123. Transpower (31.13) sought an amendment to Table 1 of the INF Chapter to remove reference to HAZS-O2 and replace it with HAZS-O1. Genesis (46.05) sought an amendment to Table 1 of the REG Chapter to remove reference to the HAZS chapter.
124. CRC (50.48, 50.49) sought an amendment to SUB-O1 and SUB-P1 to recognise that the MDP manages subdivision in areas subject to natural hazards. CRC (50.50) also sought an amendment to SUB-R7A, which manages subdivision in the Fault Hazard (Subdivision) Overlay, to amend the scale of mapping required. Genesis (46.27) sought an amendment to rule SUB-R7E, which manages subdivision within the HI Hazard Overlay and applies a restricted discretionary activity for subdivision in the GRUZ. Meridian (39.23) sought to correct a drafting error in SUB-R7E.
125. Ms Justice agreed with CRC's submissions and recommended amendments to SUB-O1 and the scale of the mapping required for subdivision within the Fault Hazard (Subdivision) overlay. For CRC Rachel Tutty supported Ms Justice's recommendations and we find the resultant amendments to be appropriate.
126. For Meridian Sue Ruston advised that she accepted Ms Justice's recommendations. As we noted earlier, so did Transpower. We are similarly satisfied with those recommendations.
127. Regarding Table 1 of the REG Chapter, we note Ms Justice's advice that If REG facilities require the storage of hazardous substances for batteries, transformers, and other operational necessities, then it is appropriate to apply HAZS-R1, which requires the hazardous substances activity to be located outside of a high flood hazard area. Where this cannot be achieved, a restricted discretionary resource consent process is initiated. We note that HAZS-R1 has only one matter of discretion, which relates to the safe storage of a hazardous substance. We do not find that to be unduly onerous and find no change is required to the rule.

## 15.2 Decisions

128. We adopt Ms Justice's analysis and recommendations as our reasoning and decisions.
129. The amendments to PC26 and PC27 are set out in Appendix 1.

## 16. Site Specific Requests

### 16.1 Assessment


130. Tekapo Landco Limited and Godwit Leisure Limited sought the deletion of the Flood Hazard Assessment Overlay (09.01) and the Liquefaction Overlay (09.02) from part of its property (Lot 1 DP 455053). Having considered that submission, we accept Ms Justice's analysis and recommendations as our reasons and decisions.

### 16.2 Decisions

131. The Flood Hazard Assessment Overlay is amended to exclude Lot 1 DP 455053 as set out in Appendix 2.



Rob van Voorthuysen (Chair)



Megan McKay



Ros Day- Cleavin

24 July 2025

**Appendix 1: Amended Provisions**

**Appendix 2: Amended Planning Maps**

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**Appendix 3: Appearances**

Sub. Ref	Submitter Name	Name	Role
PC28.03	Pukaki Airlodge	Mary Murdoch	Self
PC28.08	Anthony Honeybone		Self
PC28.09	Tekapo Landco Ltd	Jonathan Speedy Kin Banks	Representative Planner
PC28.36	Fairlie Residents and Ratepayers Association	Simon Abbott Dr. Elizabeth McKenzie	Chairperson Secretary
PC28.39	Meridian	Ellie Taffs Andrew Feierabend Jim Walker Bill Veal Sue Ruston	Counsel Representative Engineer Damwatch Planner
PC28.46	Genesis	Richard Matthews	Planner
PC28.47	Chris White		Self
PC28.50	Canterbury Regional Council	Marie Dysart Nick Griffiths Helen Jack Jolene Irvine Rachel Tutty	Counsel Hazards Scientist Hazards Scientist Planner Planner
PC28.53	Alistair Shearer		Self
PC28.64	Opuha Water Limited	Julia Crossman	Planner
PC28.FS11	The Wolds Station	Bronwen Murray	Self

**Tabled Evidence**

	Submitter	Name	Role
PC28.01	Fuel Companies	Georgia Alson	Planning
PC28.65	NZDF	Rebecca Davis	Planner
PC28.45	NZTA	Jeremy Talbot	Planner
PC28.02	Springwater Trust	Ray Parker	Self
PC28.31	Transpower	Rebecca Eng	Policy