

**BEFORE THE HEARING PANEL
CONSTITUTED BY THE MACKENZIE DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions on Proposed Plan Changes 28, 29 and 30 to the Mackenzie District Plan

AND

IN THE MATTER of submissions and further submissions by Meridian Energy Limited

**STATEMENT OF PLANNING EVIDENCE BY SUSAN RUSTON
FOR MERIDIAN ENERGY LIMITED**

DATED 9 MAY 2025

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EXECUTIVE SUMMARY

[1] This planning evidence addresses key matters that Meridian Energy Limited (**Meridian**) submitted on concerning the Mackenzie District Council's Proposed Plan Changes 28, 29 and 30 to the Mackenzie District Plan (**PC28, PC29 and PC30**). Particular focus is given to whether PC28's Hydro Inundation (**HI**) provisions and PC30's AIRPZ provisions adequately protect the nationally significant Waitaki Power Scheme from reverse sensitivity effects, as is required by the Policy D in the National Policy Statement for Renewable Electricity Generation 2011 (**NPS-REG**), Policy 16.3.5(1) in the Canterbury Regional Policy Statement (**CRPS**) and the operative Strategic Objective ATC-O4 of the Mackenzie District Plan (**MDP**). Policy D of the NPS-REG requires that decision makers must manage activities to avoid reverse sensitivity effects on consented and existing renewable electricity generation activities, to the extent that is reasonably possible. Policy 16.3.5(1) in the CRPS requires that subdivision, use and development that constrains the use, upgrading or maintenance of existing or consented electricity generation infrastructure is avoided. ATC-O4 requires that reverse sensitivity effects on the development, operation, maintenance and upgrade of renewable electricity generation activities and assets are avoided.

[2] Concerning the HI provisions, Plan Change 13 to the MDP (**PC13**) introduced a hydro inundation hazard overlay for the Rural Zone and provisions to protect people and property from the risks associated with a potential hydro dam or canal break and to protect the Waitaki Power Scheme from reverse sensitivity effects. PC28 extends the overlay to now address all areas that are at risk from hydro inundation; substantively retains the planning approach adopted in PC13 for the Rural Zone; and limits development in the Rural Lifestyle Zone to avoid unreasonable increases in occupancy that stray from the purpose of the zone. Having assessed the HI provisions against the requirements of the higher order planning documents and the Strategic Objectives in the MDP, I am satisfied that they are generally consistent with and give effect to these requirements. At the same time, I support the submission of Genesis

Energy Limited (**Genesis**) that seeks amendments to HI-R1 and proposes a new HI rule to better protect the Waitaki Power Scheme from reverse sensitivity effects. Annexure 1 of this evidence provides my recommended amendments to the HI provisions

[3] Concerning the AIRPZ provisions, I consider that these provisions do not adequately reflect that the Pūkaki Airport is located in the Hydro Inundation Hazard Overlay, and they allow for substantial increases in occupancy at the Pūkaki Airport and associated increases in the risk of reverse sensitivity on the Waitaki Power Scheme. On this basis, they are not consistent with the NPS-REG or ATC-O4. The recommendations in the s42A Report that addresses the AIRPZ provisions, in my opinion, do not resolve the issues identified. Annexure 1 of this evidence provides my recommended amendments to the AIRPZ provisions.

[4] Several other issues in PC28, PC29 and PC30 were identified in Meridian's submissions. These generally address the need to ensure that renewable electricity generation activities are enabled or not unnecessarily restricted. **Annexure 1** of this evidence provides my recommended amendments to the HAZS, NH, TREE, SUB and NOISE provisions to ensure that they are consistent with the requirements of the NPS-REG and other higher order planning requirements.

INTRODUCTION AND SCOPE OF EVIDENCE

Name, Qualifications, and Experience

[5] My full name is Susan Clare Ruston.

[6] I am a resource management and planning consultant. I am currently employed by PPM Consulting Limited where I am a Director and majority shareholder.

[7] For over 30 years, I have provided resource management and planning services to a range of sectors, for example agriculture, forestry, horticulture, renewable electricity generation, aggregate extraction, waste management, hazardous substances, irrigation, roading, tourism, property

development, and central and local government (with PPM Consulting Ltd 2020-2025, Enspire Consulting Ltd 2017-2020, Pure Savvy Ltd 2008-2009, Meritec Limited 1998 to 2002, and PF Olsen and Company Ltd 1994 to 1997).

- [8] I have led policy development in the areas of resource management reform, environmental risk, and hazardous substances and new organisms at the Ministry for the Environment (during the periods 2002 to 2005 and 2009 to 2012), and I have provided resource management policy and risk management expertise to large private sector organisations such as Fonterra Co-operative Group Ltd (as Environmental Policy Manager for the South Island 2013 to 2017).
- [9] Core areas of my expertise include policy development and design of regulatory frameworks, evaluation of planning documents, preparation and evaluation of resource consent applications, and the preparation of expert planning evidence for council and Court hearings.
- [10] I hold a Bachelor of Forestry Science Degree (Hon) and an Executive Masters in Public Administration. I am a member of the Resource Management Law Association, the New Zealand Planning Institute, and the Resolution Institute.

Code of Conduct

- [11] While this is not an Environment Court hearing, I have met the standards required in that Court for giving expert evidence.
- [12] I have read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2023 (Parts 8 and 9). I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am unaware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Scope of Evidence

[13] I have been asked by Meridian to evaluate, under the Resource Management Act 1991 (**the Act**), the provisions that Meridian submitted on concerning PC28, PC29 and PC30 to the MDP.

[14] **Annexure 1** to this evidence summarises my recommended changes to PC28, PC29 and PC30.

Documents Referenced

[15] In preparing this evidence, I have considered the following documents:

- a) PC28, PC29 and PC30;
- b) The relevant sections of the Act;
- c) The National Policy Statement for Renewable Electricity Generation 2011;
- d) The National Policy Statement for Indigenous Biodiversity 2023;
- e) The Canterbury Regional Policy Statement;
- f) The operative sections of the Mackenzie District Plan, in particular the District-Wide Strategic Direction Section;
- g) The submissions and further submissions of Meridian pertaining to PC28, PC29 and PC30;
- h) The submissions and further submissions of other submitters on PC28, PC29 and PC30;
- i) The relevant Section 42A Reports for each of PC28, PC29 and PC30, including their Appendices;
- j) The Mackenzie District Council's letter to submitters dated the 14th of April 2025 concerning "*Plan Change 28 – Hydro Inundation Management*" and the associated document titled "*Hydro Inundation*

Chapter and Overlay – Information Sheet” and dated the 11th of April 2025;

- k) The Statement of Evidence of Mr Andrew Feierabend for Meridian dated the 9th of May 2025;
- l) The Statement of Evidence of Mr James Walker for Meridian dated the 9th of May 2025; and
- m) The Statement of Evidence of Mr William Veale for Meridian dated the 9th of May 2025.

RELEVANT STATUTORY PLANNING REQUIREMENTS

- [16] The key statutory planning requirements that apply to my considerations in this evidence are summarised as follows.

The Act

- [17] The Mackenzie District Council must promote the sustainable management of natural and physical resources, as defined in section 5 of the Act. While doing so, they must have particular regard to the effects of climate change and to the benefits to be derived from the use and development of renewable energy (section 7(i) and 7(j) respectively), amongst other matters.

- [18] The functions of territorial authorities, for the purpose of giving effect to the Act, include (amongst other functions):

- a) Establishing, implementing, and reviewing objectives, policies, and methods to:
 - i) achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;

- ii) ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and

b) Controlling any actual or potential effects of the use, development, or protection of land.¹

[19] The purpose of district plans is to assist territorial authorities to carry out their functions to achieve the purpose of the Act (section 72 of the Act). A district plan must give effect to any national policy statement, any New Zealand coastal policy statement, a national planning standard; and any relevant regional policy statement (section 75(3) of the Act).

[20] Concerning national policy statements, the NPS-REG is relevant to consideration of PC28, PC29 and PC30.

[21] The relevant national planning standard is the February 2022 version of the National Planning Standard November 2019. This standard prescribes (amongst other matters) a nationally consistent structure, format, and set of definitions for district plans.

[22] The relevant regional policy statement is the July 2021 version of the Canterbury Regional Policy Statement 2013.

National Policy Statement for Renewable Electricity Generation 2011

[23] The NPS-REG sets out objectives and policies to enable sustainable management of renewable electricity generation activities under the Act. It refers to the growing demand for energy in New Zealand; the importance of responding to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy; and the importance of providing clean, secure, and affordable energy while treating the environment responsibly.²

¹ The Act, s31

² NPS-REG, Page 3, Preamble

[24] The NPS-REG identifies the matters of national significance as “*the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand*” and “*the benefits of renewable electricity generation*”.³ The objective of the NPS-REG is to recognise these matters by “*providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities*” so that the New Zealand Government’s national target for renewable electricity generation is met or exceeded.⁴

[25] Policy A of the NPS-REG requires that the national significance of renewable electricity generation activities, including the national, regional, and local benefits of such activities, are recognised and provided for by decision makers, including district plan makers. In summary, these benefits are listed in Policy A of the NPS-REG as:

- a) maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing GHG emissions;
- b) maintaining or increasing the security of electricity supply by diversifying the type and location of electricity generation;
- c) using renewable natural resources rather than finite resources; the ability to reverse adverse effects on the environment from some renewable electricity generation technologies; and
- d) avoiding reliance on imported fuels for electricity generation purposes.

[26] Policies B and C1 of the NPS-REG in turn acknowledge the practical challenges in achieving New Zealand’s targets for renewable electricity generation and the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. These policies require that decision makers have particular regard to the following matters:

³ Ibid, Page 4, Matters of National Significance

⁴ Ibid, Page 4, Objective

- a) protection of renewable electricity generation assets and operational capacity, and the availability of the renewable energy resource, may be needed to maintain the generation output of existing renewable electricity generation activities;
- b) minor reductions in the generation output of renewable electricity generation activities can cumulatively adversely affect renewable electricity generation output (nationally, regionally and locally);
- c) significant new development of renewable electricity generation activities is needed to achieve (or exceed) the Government's national target for renewable electricity generation;
- d) the need to locate renewable electricity generation activities where the renewable energy resource is available;
- e) the logistical or technical practicalities associated with developing, upgrading, operating, or maintaining renewable electricity generation activities;
- f) the location of existing structures related to renewable electricity generation activities and the need to connect renewable electricity generation activities to the national grid;
- g) designing measures that allow operational requirements to complement and provide for mitigation opportunities; and
- h) adaptive management measures.

[27] Policy C2 of the NPS-REG requires that when considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision makers must have regard to offsetting measures or environmental compensation.

[28] Of particular relevance to PC28, PC29 and PC30 is Policy D of the NPS-REG. The policy requires that decision makers must manage activities to

avoid reverse sensitivity effects on consented and existing renewable electricity generation activities, to the extent that is reasonably possible.

- [29] Policies E1, E2, E3 and E4 of the NPS-REG require that district plans (along with regional policy statements and regional plans) must include objectives, policies, and methods (including rules) that provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities using solar, biomass, tidal, wave, ocean current, wind, geothermal and hydro-electricity generation resources, to the extent that is applicable to the district.
- [30] Policy G of the NPS-REG requires that district plans (along with regional policy statements and regional plans) must include objectives, policies, and methods (including rules) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.
- [31] Of these NPS-REG provisions, Policy D (“*to avoid reverse sensitivity effects on consented and existing renewable electricity generation activities, to the extent that is reasonably possible*”) is particularly relevant to PC28, PC29 and PC30.

The Canterbury Regional Policy Statement

- [32] The Canterbury Regional Policy Statement (**CRPS**) recognises that energy is a critical factor in enabling the community to provide for their well-being, health, and safety; the demand for energy from all sectors is expected to continue to grow; the contribution of renewable electricity generation is of national significance; and renewable electricity generation can avoid, reduce or displace GHG emissions.⁵ The CRPS also acknowledges that to meet the Government’s renewable electricity generation targets, development of new renewable electricity generation activities is necessary, and such development faces difficulty in securing access to natural resources and functional, operational and technical

⁵ CRPS, page 212

factors that constrain the location, layout, design and generation potential of renewable electricity generation facilities.⁶

- [33] Objective 16.2.2 of the CRPS promotes a diverse and secure supply of renewable energy for the region and beyond, with a particular emphasis on renewable electricity generation that is diverse in location, type and scale. The objective recognises the locational constraints of renewable electricity generation. Policy 16.3.3 of the CRPS requires that the local regional and national benefits of renewable electricity generation are recognised and provided for when considering proposed or existing renewable electricity generation facilities.
- [34] Of particular relevance to PC28, PC29 and PC30 is Policy 16.3.5(1) of the CRPS which requires that “*subdivision, use and development which limits the generation capacity from existing or consented electricity generation infrastructure to be used, upgraded or maintained*” is ‘avoided’. This, in my opinion, requires avoidance of reverse sensitivity effects on existing or consented renewable electricity generation activities.

OPERATIVE STRATEGIC DIRECTION OBJECTIVES IN THE MDP

- [35] The operative Strategic Objectives, located in the Strategic Direction chapter of the MDP, set the overarching direction for the plan. They respond to the resource management issues that are of particular importance to the Mackenzie District and matters of national and regional importance that are particularly relevant within the district (amongst other issues).
- [36] The operative Strategic Direction chapter states that:

For the purpose of plan development, including plan changes, the Strategic Objectives in this section, as well as other requirements in the RMA, provide direction for the development of the more detailed provisions contained elsewhere in the District Plan.

⁶ Ibid, page 213

[37] This means that the Strategic Objectives are to be responded to, in an integrated and more detailed manner, across the remaining chapters of the MDP.

[38] Of particular relevance to PC28, PC29 and PC30 are Strategic Objectives ATC-O4 and ATC-O6. These read as follows:

ATC-O4 *The local, regional and national benefits of the District's renewable electricity generation and electricity transmission activities and assets are recognised and their development, operation, maintenance and upgrade are provided for and reverse sensitivity effects on those activities and assets are avoided.*

ATC-O6 *The location and effects of activities are managed, to:*

1. *minimise conflicts between incompatible activities; and*
2. *protect important existing activities from reverse sensitivity effects.*

[39] Also of relevance are ATC-O1 and ATC-O3. These read as follows:

ATC-O1 *The Mackenzie District is a desirable place to live, work, play and visit, where:*

1. *there are a range of living options, businesses, and recreation activities to meet community needs;*
2. *activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and*
3. *the anticipated amenity values and character of different areas are maintained or enhanced.*

ATC-O3 *The importance to the District and beyond of infrastructure, particularly nationally and regionally significant infrastructure, is recognised and provided for.*

STRUCTURE OF MY ASSESSMENT

[40] Given the national significance of the Waitaki Power Scheme, the directives set in the NPS-REG, the CRPS and the MDP's Strategic Objectives to avoid reverse sensitivity effects on the Scheme, and the relationship between the plan provisions, my evidence first addresses Meridian's submissions on the Hydro Inundation provisions in PC28 and the Special Purpose Airport Zone provisions in PC30. After addressing these matters, my evidence is structured to address the remaining matters in Meridian's submissions in turn.

[41] Annexure 1 of this evidence provides a full set of my recommended amendments to the provisions in PC28, PC29 and PC30.

PC28 - HYDRO INUNDATION

Overview of Meridian's Submissions

[42] In brief, Meridian's submissions support the objective, policy and rules in the Hydro Inundation (HI) chapter of PC28 and seek that they be retained as notified. Meridian considers that the notified HI provisions strike an appropriate balance between the following:

- Enabling landowners to develop and use their land;
- Minimising risks to people and property from possible hydro inundation; and
- Providing for the avoidance of reverse sensitivity effects on the nationally significant Waitaki Power Scheme.

Evidence of the Need for HI Provisions

[43] I have read all submissions and further submissions received on the HI provisions and I consider that the s42A Report provides a good summary of these. Common issues raised in the submissions in opposition to the HI provisions are that there is insufficient evidence of the need to regulate

activities in response to the hydro inundation risks posed, a more ‘risk based’ approach should be applied to any regulation that may be imposed, and Meridian should be responsible for constructing structural barriers to divert inundation away from people’s properties.

[44] Meridian has engaged the independent experts at Damwatch Engineering (**Damwatch**) to address some of the matters raised by submitters regarding identification of the Hydro Inundation Hazard Overlay and associated risks. The Damwatch report has been drawn on by the authors of the s42A Report and is contained in the document titled *PC28 s42A Report Part A - Appendix 3 Background on Waitaki Power Scheme and Hydro Hazard Mapping*. The evidence of Mr James Walker and Mr William Veale for Meridian further elaborate on and reconfirm the information in the preceding document. The following paragraphs summarise key matters from these documents that I consider are important to making recommendations on the HI provisions.

[45] Large dams and canals, including those in the Waitaki Power Scheme, are primarily governed by the Building (Dam Safety) Regulations 2022, which are regulations made under the Building Act 2004 to “*help ensure that classifiable dams are well operated, maintained and regularly monitored, and that potential risks of dam incidents and failures are reduced*”.⁷ It is a legal requirement for dam owners to comply with these Regulations. The New Zealand Dam Safety Guidelines (published by the New Zealand Society on Large Dams complement the Building (Dam Safety) Regulations 2022) provide detailed industry-recommended practices for dam safety management. In addition, Meridian implements its own specific dam safety policy and Dam Safety Assurance Programme (**DSAP**), with the latter being a requirement of the Building (Dam Safety) Regulations.⁸

[46] The Building (Dam Safety) Regulations require all “*classifiable*” dams and canals to be assigned a Potential Impact Classification (**PIC**) of either Low, Medium or High. The PIC represents the potential impact that a

⁷ PC28 s42A Report Part A - Appendix 3 Background on Waitaki Power Scheme and Hydro Hazard Mapping, Page 3.

⁸ Ibid, Pages 3 and 4

hypothetical failure of the dam or canal could have on the community, critical or major infrastructure, historical or cultural places, and the natural environment. The PIC is used to guide the necessary safety measures and regulatory requirements for dam owners. There is no requirement under the Building (Dam Safety) Regulations and New Zealand Dam Safety Guidelines to determine the likelihood of a dam or canal breach. Rather than requiring that likelihood of a failure be determined, the regulations and guidelines promote a “*standards-based approach*” where risks are controlled by following established rules and minimum standards for defining design parameters and loads, structural capacity and defensive design measures commensurate with the structure’s PIC. Post construction DSAPs provide the specific framework for managing dam safety risks through the operational phase of the dam or canal’s lifecycle.⁹

- [47] New development downstream of a dam or canal, and within a dam or canal breach flood inundation zone, can increase the potential consequences of a hypothetical dam or canal breach and, in turn, may require a dam or canal to be reclassified into a higher PIC category, even if there has been no change to the dam or canal. Once a dam or canal is reclassified, it may be subject to stricter design, inspection and maintenance requirements for its new PIC. If the dam or canal did not meet these stricter PIC requirements, the owner would need to bring the dam into compliance under the Building (Dam Safety) Regulations and recommendations of the New Zealand Dam Safety Guidelines. Raising these dam safety requirements and performance criteria can have significant cost and operational implications for the owner of a dam or canal, and for the generation of electricity while upgrades are undertaken. Downstream development that leads to a higher PIC for the Waitaki Power Scheme is a clear form of reverse sensitivity effect.¹⁰
- [48] High PIC dams and canals can be subject to reverse sensitivity effects from development, even when an increase in development does not result

⁹ Ibid, Pages 5 and 6

¹⁰ PC28 s42A Report Part A - Appendix 3 Background on Waitaki Power Scheme and Hydro Hazard Mapping, Pages 6 and 7; and Statement of Evidence of William Veale on behalf of Meridian Energy Limited, 9th April 2025, Paragraphs 12 to 14.

in an increase in PIC category. Developments that increase the number of people living or working downstream of a dam or canal, and within dam or canal breach flood inundation areas, increase the ‘population at risk’ (**PAR**). An increased PAR can increase the performance requirements of the structures, even for dams or canals which are already classified as High PIC.¹¹

[49] While the Waitaki Power Scheme dams and canals are managed under recommended industry practice dam safety assurance programmes, there remains a very low residual likelihood that a dam or canal failure could occur. While the likelihood of a structural failure is very low, the consequences can be serious for people, property and the environment.

[50] To assist MDC with managing the risks posed by potential hydro inundation, the Hydro Inundation Hazard Overlay has been identified. The overlay was originally prepared between 2014 to 2016 for Plan Change 13 to the MDP (**PC13**) which addressed the Rural Zone in the MDP, and the overlay was called the ‘*Hydroelectricity Inundation Hazard Area*’ in that process. The overlay is based on extensive inundation studies carried out by Works Consultancy, Damwatch, and Opus.¹² Mr Feierabend’s evidence addresses the PC13 process which culminated in the insertion of the Hydroelectricity Inundation Hazard Area in the MDP.

[51] I understand that the 2016 version of the overlay, which was incorporated into the MDP through the PC13 process, excluded potential inundation areas at the Pūkaki Airport, Lyford Lane and Flanagan Lane because these were outside the Rural Zone and therefore were not part of PC13. The Hydro Inundation Hazard Overlay that is included in PC28 now includes the Pūkaki Airport, Lyford Lane and Flanagan Lane inundation areas.

[52] For each of the Pūkaki Airport, Lyford Lane and Flanagan Lane inundation areas, the related Waitaki Power Scheme infrastructure has a “*High*” PIC. Any future development in these areas that increase the

¹¹ Ibid

¹² PC28 s42A Report Part A - Appendix 3 Background on Waitaki Power Scheme and Hydro Hazard Mapping, Page 10

number of people present (that is the population at risk) has the potential to increase the performance requirements of the related Waitaki Power Scheme infrastructure, thereby increasing the potential for reverse sensitivity effects on the Scheme. In addition, when more people live or work in a dam or canal breach inundation zone, the complexity of emergency action, including evacuation needs, become more challenging, thereby placing more people and property at greater risk.¹³

[53] Concerning submitter requests for structural barriers to divert inundation away from people's properties, Damwatch's report states that dam owners are required to prioritise investments directly into the dam or canal assets and asset management programmes, to ensure the structural integrity and safety of those assets. Damwatch states that they are not aware of any national or international precedent requiring the construction of infrastructure downstream of an engineered dam or canal to mitigate the consequences of dam failure. Damwatch notes that there would be engineering challenges involved in designing infrastructure to withstand dam-break floods as they are typically an order of magnitude more damaging than natural flood hazards. For these reasons, dam owners prioritise investments directly into the safety of the dam or canal assets, rather than focusing on downstream infrastructure which attempts to mitigate the consequences of dam failure.¹⁴ Further to this, I note Mr Walker's evidence that states:

“The bunds themselves would be considered appurtenant dam structures under the Dam Safety Guidelines and Regulations, meaning they would need to be designed and constructed to meet the same criteria as the existing structures, and would be subject to a dam safety management programme.

It is important to be aware that even if bunding were constructed, the Hydro Inundation Hazard Overlay areas would still be subject to a dam break hazard, as the bunds themselves would have a potential consequence of

¹³ Ibid, Section 3.7

¹⁴ Ibid, Section 3.8

failure. In essence, the hazard is unlikely to be different to the current hazard.”¹⁵

[54] In addition, I understand that possible construction of structural barriers to divert inundation away from people’s properties would likely require construction and maintenance of structures on land that is not owned by Meridian, and this would create additional barriers to the practicalities of this option. Further to this, a requirement to install structural barriers is, in effect, a form of reverse sensitivity effect.

[55] Based on the preceding summary, I understand that:

- a) The potential Hydro Inundation Hazard Overlay has been soundly modelled and mapped;
- b) Future development in the Hydro Inundation Hazard Overlay can significantly increase the risk of harm to people and property and increase the risk of reverse sensitivity effects on the Waitaki Power Scheme. To be consistent with, and give effect to, the higher order planning requirements (in particular the Policy D in the NPS-REG, Policy 16.3.5(1) in the CRPS and Strategic Objective ATC-O4 in the MDP), planning provisions to avoid such effects are needed;
- c) The non-regulatory option of structural barriers to hydro inundation waters is not viable and would not remove the risk of inundation; and
- d) While the current non-regulatory initiatives, such as having emergency management plans in place and identifying the risk of hydro inundation on Land Information Memorandums, are appropriate to adopt, without land use controls such initiatives are not sufficient to manage the potential risks to people and property from hydro inundation and to avoid reverse sensitivity effects on the Waitaki Power Scheme.

¹⁵ Statement of Evidence of James William Walker on behalf of Meridian Energy Limited 9 May 2025, Paragraphs 44 and 45

Assessment of the HI Provisions

[56] Having considered the need for planning provisions to minimise risks associated with possible hydro inundation to people and property and avoid reverse sensitivity effects on the Waitaki Power Scheme, I now consider the merits (or otherwise) of the HI provisions in the notified version of PC28.

[57] Concerning HI-O1, which reads “*Development in the Hydro Inundation Hazard Overlay minimises risks to human health and property from hydro inundation, and avoids reverse sensitivity effects on hydro electricity generation activities*”, in my opinion this objective gives effect to the NPS-REG, Policy 16.3.5(1) of the CRPS and Strategic Objective ATC-O4 in the MDP. The objective looks to reduce to the smallest amount reasonably practicable (that is *minimise*) the risk to people and property, thereby allowing development and use of properties in the Hydro Inundation Hazard Overlay within reason, while at the same time avoiding reverse sensitivity effects on the Waitaki Power Scheme.

[58] HI-P1 requires that land use changes in the Hydro Inundation Hazard Overlay that may increase the likelihood or scale of harm to people or property from hydro inundation, or the potential for reverse sensitivity effects, are avoided as far as practicable. Where it is demonstrated that avoidance is not practicable, the policy requires that the potential for harm is minimised. Consistent with HI-O1, HI-P1 allows for some development provided that, as far as practicable, the potential for increased harm to people and property or reverse sensitivity effects is avoided.

[59] Rule HI-R1, which addresses *New Occupied Buildings* in the Hydro Inundation Hazard Overlay that are in the General Rural Zone, essentially adopts the same requirements as in the operative MDP. The rule permits *New Occupied Buildings* in these locations subject to meeting conditions that aim to minimise the potential for increased harm to people and property and avoid reverse sensitivity effects on the Waitaki Power Scheme. Where the permitted activity conditions cannot be met, the activity becomes a

discretionary activity which allows MDC to assess proposals against the relevant objectives and policies in the MDP (and other higher order planning documents) and manage, through resource consent conditions, potential adverse effects on people and property and the potential for reverse sensitivity effects. In my opinion, the construct of the rule (which provides for reasonable development while minimizing the potential for increased harm or reverse sensitivity effects) is appropriate. For completeness, no submissions were received that addressed the specific technical details in the conditions of the permitted activity rule.

- [60] Genesis submitted seeking an amendment to HI-R1 and insertion of a new rule (referred to by Genesis as HI-R1A) to address the potential for developments that increase the PAR to increase the performance requirements of hydro structures, even for dams or canals which are already classified as a Medium or High PIC.
- [61] The s42A Report recommends rejecting the submission of Genesis regarding HI-R1 and new HI-R1A. The Report states that:

“I understand Genesis’ concern that there may be some situations where new occupied buildings will not raise the PIC under the Building Act but may still result in increase in the safety management requirements for its hydroelectricity scheme. However, rule HI-R1 is largely a roll over of the current rule that applies in the GRUZ from the Operative District Plan (refer Information Sheet, Appendix 6). This rule was imposed by the Environment Court and has been implemented effectively over the past 7 (approx.) years. I am not aware of any situations where activities have resulted in requirements for the hydro-electric scheme operators to increase their safety management requirements as a result of the implementation of this rule.

Also, I do not consider the relief sought by Genesis to be appropriate as a permitted activity condition. This condition would require applicants to demonstrate that their new occupied building will not increase the safety management requirements for a hydroelectricity scheme. This is not something that a layperson could feasibly demonstrate and would require

technical input from a suitably qualified and experienced person. While I agree that technical input (from either Meridian or Genesis) would be required to demonstrate that the PIC won't change as a result of a new 'occupied building', I consider that determining whether the safety management requirements may change is a more elusive test that may be problematic to demonstrate with any certainty."

[62] In my opinion, permitting an activity that could result in reverse sensitivity effects on the Waitaki Power Scheme is not consistent with Policy D of the NPS-REG, Policy 16.3.5(1) of the CRPS and ATC-O4 and ATC-O6 in the MDP. While technical input from Meridian or Genesis will be needed if the relief sought by Genesis was adopted, similar input is already needed to comply with Rule 3.1.2.g(1) in the operative MDP concerning changes in the PIC provisions, and in the notified version of permitted condition 1 in HI-R1. While such conditions may challenge the certainty of a permitted activity condition, the alternative planning solution would be to change the activity status in HI-R1 to a controlled activity. In my opinion, a change in activity status is less favourable as it would not alter the need for technical input from Meridian or Genesis.

[63] At the time of preparing this evidence, Genesis has shared their draft recommendations on HI-R1 and a proposed new Rule HI-R1A. These recommendations include the following amendments:

Amend Rule HI-R1(1) as follows:

It is demonstrated that the building, will not raise the Potential Impact Classification (Low, Medium, High) under the Building Act 2004, or where the Potential Impact Classification is already Medium or High, will not increase the Population at Risk in a manner that would lead to a requirement to cease to operate, upgrade, modify, or replace the hydro-electricity related structures or to significantly alter the operation of an affected portion of a hydroelectricity scheme;

And insert a new Rule HI-R1A as follows:

HI-R1A: All Other Activities (except as provided for by Rules HI-R1, R2 and R3)

GRUZ within the Hydro Inundation Hazard Overlay

Activity Status: PER

Where:

1. It is demonstrated that the activity, will not raise or change the Potential Impact Classification (Low, Medium, High) under the Building Act 2004, or where the Potential Impact Classification is already Medium or High, will not increase the Population at Risk in a manner that would lead to a requirement to cease to operate, or to a requirement to upgrade, modify, or replace the hydroelectricity related structures or to significantly alter the operation of an affected portion of a hydroelectricity scheme; or
2. The activity is required by the owner/operator of the hydroelectricity scheme to undertake maintenance of any dam, canal or any associated structures.

Activity status when compliance is not achieved with R1A.1-R1A.2: DIS

[64] For the preceding reasons, I recommend that the relief sought in the Genesis submission regarding HI-O1 and the addition of HI-R1A should be accepted and I recommend adopting the preceding amendments rather than those identified in the Genesis submission.

[65] Rule HI-R2 allows one *Residential Unit* per site in the Hydro Inundation Hazard Overlay that is in the Rural Lifestyle Zone as a permitted activity. Where more than one *residential unit* per site is proposed, the activity status becomes *discretionary* and a resource consent application will be needed. This allows MDC to assess proposals against the relevant objectives and policies in the MDP (and higher order planning documents) and manage, through resource consent conditions, potential adverse effects on people and property and the potential for reverse sensitivity effects. In my

opinion, this provision strikes an appropriate balance (given the requirements of the NPS-REG, Policy 16.3.5(1) of the CRPS, and Strategic Objectives ATC-O4 and ATC-O6 in the MDP) between providing for reasonable development while minimising the potential for harm and avoiding reverse sensitivity effects.

[66] Rule HI-R3 addresses *Residential Visitor Accommodation* in the General Rural Zone, the Rural Lifestyle Zone and the Special Purpose Airport Zone where at the same time the activity is in the Hydro Inundation Hazard Overlay. In the General Rural Zone, the activity is a discretionary activity, and in the Rural Lifestyle Zone and the Special Purpose Airport Zone the activity is a non-complying activity.

[67] The Rural Lifestyle Zone is described in the RLZ Chapter of the MDP as areas that provide opportunities to live in a rural environment, while still enabling some primary production activities to occur. Further to this, RLZ-O1 states that the Rural Lifestyle Zone is “*primarily for living opportunities in a rural environment and other compatible activities that support and are consistent with the character and amenity values of the zone, including small scale primary production activities*”. Providing for *Residential Visitor Accommodation* is not the primary purpose of the zone. For this reason, I consider that the non-complying activity status is appropriate given the purpose of the zone in combination with the risks posed by hydro inundation. For completeness, I note that PC28’s notified Rule SUB-R7E also reflects the need to prevent further intensification in the *Rural Lifestyle Zone* within the Hydro Inundation Hazard Overlay by making subdivision in such areas a non-complying activity.

[68] The purpose of the Special Purpose Airport Zone is described in PC30 as “*to provide for a range of airport and aviation related activities to recognise the role of airports in providing for the social and economic well-being of Te Manahuna/the Mackenzie District*”. Providing for *Residential Visitor Accommodation* is not the primary purpose of the zone. For this reason, I consider that the non-complying activity status is appropriate given the purpose of the zone in combination with the risks posed by hydro inundation and the potential for reverse sensitivity effects on the Waitaki Power Scheme.

[69] Concerning the discretionary activity status for *Residential Visitor Accommodation* in the General Rural Zone, I understand that this reflects the purpose of the zone (that is “*to enable a range of primary production activities, as well as other compatible activities that rely on or support the natural resources within rural areas...*”¹) and the likely widely dispersed nature of *Residential Visitor Accommodation* in the zone. The less concentrated occupancy is likely to result in less challenging emergency response needs than in areas of more concentrated occupancy.

[70] Based on the preceding assessment, I consider that the notified HI provisions, with adoption of the amendments sought by Genesis, are consistent with the NPS-REG, Policy 16.3.5(1) of the CRPS and Strategic Objectives ATC-O4 and ATC-O6 in the MDP, and I recommend that they be adopted.

PC30 – SPECIAL PURPOSE AIRPORT ZONE (AIRPZ)

Overview of Meridian’s Submissions

[71] Meridian’s submissions on the AIRPZ provisions raise concerns about the nature and scale of activities that could be established in the AIRPZ. Its submissions specifically address the potential risks associated with the Pūkaki Airport being located in the Hydro Inundation Hazard Overlay, and the need to ensure the safety of people and property in this overlay and to prevent reverse sensitivity effects on the nationally significant Waitaki Power Scheme. Given this context, Meridian’s relief treated activities at the Pūkaki Airport differently from those at the Tekapo Airport, since the latter is not located in the Hydro Inundation Hazard Overlay. Meridian’s relief sought to narrow the nature and scale of activities that could be undertaken at the Pūkaki Airport.

Nature and Scope of Activities Provided for in the AIRPZ

[72] I agree with Meridian that the notified AIRPZ provisions allow for a broad range of activities in the AIRPZ, including at the Pūkaki Airport,

that span beyond core airport and airport related activities. This comes about by:

- a) AIRPZ-O1 and AIRPZ-O2 not identifying the types of activities that are intended to be located in the AIRPZ. In contrast to the Introduction to the AIRPZ Chapter, which states that the purpose of the AIRPZ is “*to provide for a range of airport and aviation related activities to recognise the role of airports in providing for the social and economic well-being of Te Manahuna/the Mackenzie District*”, AIRPZ-O1 (which is titled *Zone Purpose*) does not refer to *airport and aviation related activities*, rather it more loosely refers to the “*efficient use and development*” of the AIRPZ to achieve “*economic and social*” outcomes. AIRPZ-O2 adopts similar language to AIRPZ-O1 and also makes no reference to *airport and aviation related activities*. Consequently, a broad array of activities that are not associated with aviation activities could be consistent with these objectives;
- b) AIRPZ-P2 providing room for “*non-airport related commercial, industrial and other activities*” where the activity is “*compatible with the ongoing safe and efficient operation and function of airports*” and “*compatible with the character and amenity values anticipated within the AIRPZ*”, and the activity does not “*detract from the existing commercial centres in Takapo/Lake Tekapo or Twizel*”;
- c) AIRPZ-R3, AIRPZ-R4 and AIRPZ-R5 providing for activities that fail to meet the permitted activity conditions to become discretionary activities. This means that larger floor areas for *Residential Units / Residential Activities, Staff Accommodation* and *Aviation Related Visitor Accommodation* in an airport building and/or larger occupancy per night may be able to be granted a resource consent (particularly given the objectives and policies of the chapter as notified); and
- d) AIRPZ-R8 providing for “*Activities not otherwise listed*” as discretionary activities.

[73] In addition, while AIRPZ-R3, AIRPZ-R4 and AIRPZ-R5 include floor area and occupancy limits for permitted *Residential Units / Residential Activities, Staff Accommodation and Aviation Related Visitor Accommodation*, the limits do not specify whether they apply per site or per airport building.

[74] As notified, there is no planning constraint on the number of permitted airport buildings that can be established on a site. Accordingly, it may be possible, for example, to have two (or more) airport buildings on a site. This could lead to a combined total floor area of 300m² (or more) being available for residential units / residential activities, staff accommodation, and aviation related visitor accommodation as a permitted activity. It could also lead to, as a permitted activity, a combined total of 12 staff (or more) plus 12 guests (or more) plus the persons that make up two households (or more). While this may not have been the intention of these provisions, as notified they remain open to such interpretation.

[75] In considering whether such a broad nature and scale of activities are appropriate at the Pūkaki Airport, I again draw attention to the following:

- a) As previously discussed, Policy D of the NPS-REG requires that “*Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities*”, the operative Strategic Objective ATC-O4 of the Mackenzie District Plan requires that “*The local, regional and national benefits of the District’s renewable electricity generation and electricity transmission activities and assets are recognised and their development, operation, maintenance and upgrade are provided for and reverse sensitivity effects on those activities and assets are avoided*”, and ATC-O6 requires that “*The location and effects of activities are managed, to 1. minimise conflicts between incompatible activities; and 2. protect important existing activities from reverse sensitivity effects*”;
- b) HI-O1 of PC28 (which was notified at the same time as PC30) requires that “*Development in the Hydro Inundation Hazard Overlay minimises risks to human health and property from hydro inundation, and avoids reverse sensitivity effects on hydro electricity generation activities*”;

- c) HI-P1 of PC28 directs decision makers to “*Avoid, as far as practicable, changes to existing land use activities in the Hydro Inundation Hazard Overlay that may increase the likelihood or scale of harm to people or property from hydro inundation, or the potential for reverse sensitivity effects. Where it has been demonstrated that avoidance is not practicable, minimise the potential for harm*”; and
- d) Policy 16.3.5(1) of the CRPS requires that “*subdivision, use and development which limits the generation capacity from existing or consented electricity generation infrastructure to be used, upgraded or maintained*” are avoided.

[76] In my opinion, the broad nature and scale of activities that can be authorised through the notified AIZPZ provisions is not consistent with any of a) to d) above.

Overview of Possible Amendments

[77] As previously discussed, Meridian’s relief focused on amendments to the AIRPZ provisions to resolve their concerns relating to the Pūkaki Airport being in the Hydro Inundation Hazard Overlay. I understand that this limits the scope of changes that can be made to the provisions as no other submissions sought to narrow the nature and scope of activities undertaken at the Tekapo Airport. This, in my opinion, is unfortunate as I consider that more generic amendments are needed to the AIRPZ objectives and policies to achieve the purpose of the chapter as it is described in the Introduction (that is “*to provide for a range of airport and aviation related activities to recognise the role of airports in providing for the social and economic well-being of Te Manahuna/the Mackenzie District*”), and to be clear on the intended scale of activities that are permitted in the AIRPZ.

[78] Given the limited scope available, my recommended amendments to the AIRPZ provisions that follow focus on narrowing the nature and scale of activities at the Pūkaki Airport to ensure that they are consistent with Policy D of the NPS-REG, Policy 16.3.5(1) of the CRPS, the Strategic Objectives ATC-O4 and ATC-O6, and the notified HI-O1 and HI-P1.

AIRPZ-O1

[79] Concerning the Pūkaki Airport, Meridian's submission on AIRPZ-O1 sought to clarify and constrain the activities that the objective supported in the AIRPZ. Meridian sought that the objective specifically address airport activities, airport support activities, aviation related residential units or activities, and aviation related visitor accommodation. They consider that as notified, the objective is too broad and could be interpreted as supporting activities that are not related to airport activities and have no need to be located in an airport zone.

[80] The s42A Report's response to Meridian's submission states that:

*“The resulting rule framework makes it clear what activities are anticipated and those that are actively discouraged in the zone. Any development that is not airport related must meet the threshold of being an efficient use. Any such use that is likely to result in a threat to life or property or otherwise constrain the ability of the AIRPZ to be used for airport and aviation related activities, is unlikely to be considered as efficient use”.*¹⁶

[81] In my opinion, users of the plan should not need to look to the rules to decipher the meaning of the objectives and policies. Rather the objectives should stand on their own in the first instance, and the policies and rules should then set out how the objectives will be achieved.

[82] The s42A Report also states that *“Any development that is not airport related must meet the threshold of being an efficient use”*.¹⁷ In my opinion reference to *“efficient use and development”* does not clearly identify the types of activities that are considered appropriate, or not, in the AIRPZ, particularly given the hydro inundation risks to people and property at the Pūkaki Airport

¹⁶ Section 42A Report Part B: Plan Change 30 (and Variation 2 to Plan Change 23, Variation 3 to Plan Change 26 and Variation 3 to Plan Change 27), Airport Special Purpose Zone, Glentanner Special Purpose Zone, Report on submissions and further submissions Author: Nick Boyes Date: 24 April 2025, Paragraph 57

¹⁷ Ibid

and the potential for related reverse sensitivity effects on the Waitaki Power Scheme.

[83] The s42A Report has offered the following editing to AIRPZ-O1, while at the same time recommending no change to the objective.

The efficient use and development of airport zoned land and facilities for airport activities, airport support activities, aviation related residential units or activities, or aviation related visitor accommodation ~~to~~ supports the economic and social well-being of Te Manahuna/the Mackenzie District.¹⁸

[84] In my opinion, these changes go some way to resolving Meridian's concerns and would mean that AIRPZ-O1 is more consistent with Policy D of the NPS-REG, Policy 16.3.5 of the CRPS, ATC-O4, ATC-O6, HI-O1 and HI-P1. They also better reflect the "*purpose of the AIRPZ*" that is identified in the Introduction to the AIRPZ Chapter. Should the Commissioners consider that there is scope to make such changes, I would agree with adopting the s42A Report's 'possible' editing with the following amendments (shown in red):

The efficient use and development of airport zoned land and facilities for airport activities, airport support activities, aviation related residential units, ~~or aviation related residential~~ activities, or aviation related visitor accommodation ~~to~~ supports the economic and social well-being of Te Manahuna/the Mackenzie District.

[85] While the preceding amendments are preferred, if there is no scope for such changes then, I recommend the following amendments to AIRPZ-O1:

AIRPZ-O1, Zone Purpose

The efficient use and development of airport zoned land and facilities ~~to~~ supports the economic and social well-being of Te Manahuna/the

¹⁸ Ibid, Paragraph 58

Mackenzie District and in the Hydro Inundation Hazard Overlay such activities are limited to airport activities, airport support activities, aviation related residential units, aviation related residential activities, or aviation related visitor accommodation.

AIRPZ-O2

[86] Concerning AIRPZ-O2, Meridian's submission is that AIRPZ-O2.1 duplicates the content of AIRPZ-O1 and should be deleted. The s42A Report accepts that “*there is a degree of duplication*” but considers that AIRPZ-O2.1 should not be deleted.¹⁹

[87] I agree with the s42A report that there is a degree of duplication and note the subtle differences between the objectives. AIRPZ-O1 refers to the “*efficient use and development of airport zoned land to support the economic and social well-being of Te Manahuna/the Mackenzie District*” while AIRPZ-O2.1 refers to managing the use of land in the AIRPZ in a way that “*provides for economic and social benefits to the region*”. It is unclear why there is a district focus in AIRPZ-O1 and a regional focus in AIRPZ-O2.1 when referring to the economic and social benefits, however it is possibly because AIRPZ-O1 is titled “*Zone Purpose*” and focuses on the Mackenzie District’s interests in the first instance, and AIRPZ-O2 is titled “*Zone Character and Amenity Values*” which indicates that the objective focuses on the character and amenity values that are important to achieving the Zone Purpose. This leads me to recommend not deleting AIRPZ-O2.1.

[88] For completeness, I consider that the title of AIRPZ-O2 is not consistent with the content of the objective, that is the objective lists matters that are to be managed that are not consistently *character and amenity values*. I consider this provision would be more appropriately titled “*Management of Land in the AIRPZ*”.

[89] Concerning AIRPZ-O2.2, Meridian submitted seeking clarification of the activities that are addressed by the provision. For the reasons previously

¹⁹ Ibid, Paragraph 60

discussed, I agree that AIRPZ-O2.2 would be improved by specifically referring to the types of activities that would have a functional need or operational need to be located in the AIRPZ.

[90] The s42A Report agreed with Meridian's submission and recommends adopting the following amendments to AIRPZ-O2.

The use of land within the AIRPZ is managed in a way that:...

3. Recognises the functional needs and operational needs of airport activities and related supporting airport support activities;...

[91] I agree with the s42A Report recommendation.

AIRPZ-P2

[92] Meridian's submission on AIRPZ-P2 seeks to avoid activities that are not *airport activities, airport support activities, aviation related residential units, aviation related visitor accommodation or earthworks* associated with these activities at the Pūkaki Airport.

[93] The s42A Report recommends that Meridian's submission be declined for the same reasons that the s42A Report provides concerning AIRPZ-O1 (which have previously been discussed in this evidence). I disagree with this recommendation. In my opinion, the notified version of AIRPZ-P2 is not consistent with Policy D of the NPS-REG, Policy 16.3.5(1) of the CRPS, ATC-O4, ATC-O6, HI-O1 and HI-P1. The Pūkaki Airport is in the Hydro Inundation Hazard Overlay, therefore to 'give effect to' or 'be consistent with' the preceding provisions the policy needs to require that, within the Pūkaki Airport, activities that are not directly related to airport activities must be avoided. For this reason, I recommend the following amendment to AIRPZ-P2:

AIRPZ-P2 Other Activities

1. Avoid non-airport related commercial, industrial and other activities unless they:

4.i. Are compatible with the ongoing safe and efficient operation and function of airports;

2.ii. Are compatible with the character and amenity values anticipated within the AIRPZ; and

3.iii. Do not detract from the existing commercial centres in Takapō/Lake Tekapo or Twizel; and

2. At the Pūkaki Airport avoid activities that are not airport activities, airport support activities, aviation related residential units, aviation related visitor accommodation or earthworks associated with these activities.

AIRPZ-R3, R4, R5 and R8

[94] Meridian's submissions on Rules 3, 4, 5 and 8 in the AIRPZ chapter seek to address (in part) the preceding issue of the nature and scale of activities that could be carried out at the Pūkaki Airport. The relief sought looked to limit the combined maximum residential occupancy, staff occupancy and aviation related visitors to six persons per night; and to make *Activities Not Otherwise Listed* a non-complying activity at the Pūkaki Airport.

[95] The s42A Report has recommended that Meridian's relief be declined and states that “*the standards as notified are considered to be the most effective way to provide limited opportunity for sensitive land uses within an airport setting whilst avoiding reverse sensitivity, adverse effects on the commercial centres of nearby townships, and minimising unnecessary risks associated with Pūkaki Airport being in the Hydro Inundation Hazard Overlay*”.²⁰ I do not agree with this statement because, as previously discussed, the AIRPZ provisions do not limit the number of permitted airport buildings that can be established on a site, and the floor area and occupancy limits in the permitted activity conditions do not specify whether they apply per site or per airport building. Given this, there is room for the number of occupants at the Pūkaki Airport to increase significantly under the notified AIRPZ provisions, and

²⁰ Ibid, Paragraph 91

consequently for the potential for harm to people and property and the potential for reverse sensitivity effects on the Waitaki Power Scheme to increase significantly. For these reasons, the notified versions of AIRPZ-R3, AIRPZ-R4 and AIRPZ-R5 are not consistent with the requirements of Policy D of the NPS-REG, Policy 16.3.5(1) of the CRPS, ATC-O4, ATC-O6, HI-O1 and HI-P1.

[96] Concerning AIRPZ-R3, AIRPZ-R4 and AIRPZ-R5, the Heliventures New Zealand Ltd (**Heliventures**) submission sought to “*amend the objectives, policies, rules, standards and associated definitions to ensure that a suitable level of residential, staff and commercial visitor accommodation are enabled*”.²¹ With this, Heliventures sought amendments to the AIRPZ provisions to ensure that:

“*any residential, staff, visitor accommodation development is subject to:*

- *A higher gross floor space threshold.*
- *Has a default restricted discretionary activity status, with matters of discretionary that guide the assessment of the application.*
- *A no-complaints covenant registered on the site’s record of title that would prevent owners and occupiers complaining or objecting to airport activity.*
- *A management plan to ensure that customers are made aware of the no complaints covenant and kept safe from aircraft activities.*²²

[97] More specifically, the Heliventures submission provides “*initial amendments*” sought while noting that Heliventures will “*provide more detailed amendments in their planning expert’s evidence*”. Within their “*initial amendments*” they seek that the permitted occupancy limits in rules AIRPZ-R3, AIRPZ-R4 and AIRPZ-R5 be amended by replacing the 150m² floor area limit (in

²¹ Submission on Plan Change 30 to the Mackenzie District Plan by Heliventures New Zealand, Section 7.0

²² Ibid

the notified version of the rules) with a limit of “50% of an airport building’s gross floor area”. At the same time, they seek removal of the maximum occupancy limit for each building in the AIRPZ.²³

[98] The Heliventures submission fails to recognise that the Pūkaki Airport lies in the Hydro Inundation Hazard Overlay. The Heliventures “s32AA RMA Assessment”, that is part of their submission, makes no reference to the potential for increased harm to people and property and for increased reverse sensitivity effects on the Waitaki Power Scheme that may result from the plan changes they are seeking.

[99] In response, the s42A Report recommends that the Heliventures relief be rejected and notes that:

- a) the “*scale of residential and commercial occupation*” that would be enabled by the Heliventures submission “*goes against the primary purpose of the AIRPZ, which is for airport and airport support activities*”²⁴;
- b) “*No complaint covenants have their place but are not as effective in the context of a transient population. In my view the use of such legal instruments and management plans have limitations in an airport setting*”²⁵; and
- c) “*the changes sought by Heliventures go too far in providing for residential, staff and/or commercial visitor accommodation, particularly in the context of Pūkaki Airport given that it is located within the Hydro Inundation Hazard Overlay. Granting the relief sought would allow an intensity of development that would compromise achievement of AIRPZ-O1 and AIRPZ-O2*”²⁶.

[100] I agree with the preceding statements from the s42A Report and the recommendation to reject the Heliventures relief. I understand that a percentage floor area limit (as sought by Heliventures) with no occupancy

²³ Ibid

²⁴ Section 42A Report Part B: Plan Change 30 (and Variation 2 to Plan Change 23, Variation 3 to Plan Change 26 and Variation 3 to Plan Change 27), Airport Special Purpose Zone, Glentanner Special Purpose Zone, Report on submissions and further submissions Author: Nick Boyes Date: 24 April 2025, Paragraph 86

²⁵ Ibid, Paragraph 87

²⁶ Ibid, Paragraph 88

cap could lead to substantial increases in occupancy at the Pūkaki Airport, particularly with no limit on the number of airport buildings per site, as previously discussed. The changes sought by Heliventures significantly extend the nature and scale of occupancy beyond the core purpose of the AIRPZ thereby unnecessarily increasing the potential for harm to people and property and the potential for reverse sensitivity effects on the Waitaki Power Scheme. Consequently, I consider that the Heliventures submission and relief sought is not consistent with the requirements of Policy D of the NPS-REG, Policy 16.3.5(1) of the CRPS, ATC-O4, ATC-O6, HI-O1 and HI-P1.

[101] For the preceding reasons, I recommend amending Rules 3, 4 and 5 as follows:

AIRPZ-R3 Residential Unit / Residential Activity

Activity Status: PER

Where:

1. The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m² per site.

Activity status when compliance is not achieved with R3.1 outside the Hydro Inundation Hazard Overlay: DIS

Activity status when compliance is not achieved with R3.1 inside the Hydro Inundation Hazard Overlay: NC

AIRPZ-R4 Staff Accommodation

Activity Status: PER

Where:

1. The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m² per site; and

2. The maximum nightly occupancy does not exceed six staff per site.

*Activity status when compliance is not achieved with
R4.1 – R4.2 outside the Hydro Inundation Hazard
Overlay: DIS*

*Activity status when compliance is not achieved with
R4.1 – R4.2 inside the Hydro Inundation Hazard
Overlay: NC*

AIRPZ-R5 Aviation Related Visitor Accommodation

Activity Status: PER

Where:

1. The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m² per site; and
2. The maximum nightly occupancy does not exceed six guests per night site.

*Activity status when compliance is not achieved with
R5.1 - R5.2 outside the Hydro Inundation Hazard
Overlay: DIS*

*Activity status when compliance is not achieved with
R5.1 - R5.2 inside the Hydro Inundation Hazard
Overlay: NC*

[102] Concerning AIRPZ-R8, in my opinion for the chapter to give effect to Policy D of the NPS-REG and Policy 16.3.5(1) of the CRPS, and be consistent with ATC-O4, ATC-O6, HI-O1 and HI-P1, activities not otherwise listed in the AIRPZ chapter should be avoided at the Pūkaki Airport. For this reason, I recommend the following amendment to AIRPZ-R8:

AIRPZ-R8

Activities Not Otherwise Listed

Outside the Hydro Inundation Hazard Overlay Activity Status: DIS

Inside the Hydro Inundation Hazard Overlay Activity Status: NC

AIRPZ-R1, R2, and R11

- [103] Meridian supported retaining the notified version of rules AIRPZ-R1 and AIRPZ-R2 which respectively permit *Airport Activities* and *Airport Support Activities* in the AIRPZ, where certain conditions are met. Meridian also supported retaining the notified version of AIRPZ-R11. AIRPZ-R11 prohibits the planting of wildling conifer trees unless the planting is for a scientific or research purpose and has been exempted under the Biosecurity Act 1993. Where the exemption applies, planting of wildling conifer trees becomes a non-complying activity.
- [104] No party submitted seeking changes to AIRPZ-R1, AIRPZ-R2, and AIRPAZ-R11 and for this reason the s42A Report recommends retaining these rules as notified. I agree with the recommendations in the s42A Report concerning these provisions.

AIRPZ-R9 and R10

- [105] Meridian supported retaining the notified version of rules AIRPZ-R9 and AIRPZ-R10 which respectively make *Residential Visitor Accommodation* and *Commercial Visitor Accommodation* a non-complying activity in the AIRPZ. This reflects Meridian's position that activities in the AIRPZ should be limited to *airport activities* and *airport support activities*, particularly in the Hydro Inundation Hazard Overlay.
- [106] Heliventures sought that AIRPZ-R9 and AIRPZ-R10 be deleted so that development of *Residential Visitor Accommodation* and *Commercial Visitor Accommodation* could occur in the AIRPZ. The Heliventures reasons for

this relief have previously been discussed in the section of this evidence that addresses AIRPZ-R3, AIRPZ-R4 and AIRPZ-R5, as have the s42A Report’s response that recommends that the Heliventures submission be rejected.

[107] For completeness, I note that the Heliventures submission fails to recognise that the Pūkaki Airport lies in the Hydro Inundation Hazard Overlay. The changes sought significantly extends the nature and scale of occupancy beyond the core purpose of the AIRPZ thereby unnecessarily increasing the potential for harm to people and property and the potential for reverse sensitivity effects on the Waitaki Power Scheme. Consequently, I consider that the Heliventures submission and relief sought (to delete AIRPZ-R9 and AIRPZ-R10) is not consistent with the requirements of Policy D of the NPS-REG, Policy 16.3.5(1) of the CRPS, ATC-O4, ATC-O6, HI-O1 and HI-P1, and on this basis the Heliventures relief should be rejected.

Definitions

[108] Meridian’s submission sought that the definitions for *airport building*, and *airport support activity* be retained as notified. Canterbury Regional Council also supported retention of these definitions. No submissions were made that opposed or sought changes to these definitions. On this basis, I recommend retaining the definitions for *airport building*, and *airport support activity* as notified.

[109] Meridian’s submission sought that the definition for *airport activity* be retained as notified. Canterbury Regional Council and the New Zealand Defence Force also supported retaining this definition.

[110] The Director General of Conservation opposed the notified definition of *airport activity* and sought that the movement of aircraft be restricted to “*rural, tourism and passenger activities*” and that “*rocket-powered vehicles*” and “*aviation research and testing laboratories*” be explicitly excluded from the definition. Their submission notes that the notified definition:

“would include activities beyond the expected scope of airports, such as aviation research including recent use for rocket powered supersonic flight.

Dawn Aerospace describes a flight from Glentanner Airport on 12 November 2024 as “the first civil aircraft to fly supersonic since ‘the Concorde’”, which is clearly beyond what would reasonably be anticipated for a small rural airport”

[111] I am not able to advise on the merits or otherwise of explicitly excluding “*rocket-powered vehicles*” and “*aviation research and testing laboratories*” from the definition of airport activity. At the same time, I see no need to insert “*for rural, tourism and passenger activities*” into the definition. The purpose of aircraft movements could reasonably be for many other purposes, for example for emergency response purposes or the movement of mail, freight or indigenous species.

[112] Meridian’s interests lie in ensuring that the definition of *airport activity* is limited to “*land and buildings used wholly or partly for the landing, departure, and surface movement of aircraft...for aviation activity*” and the key related activities that are listed in a. to f. of the definition. I agree with this focus for the definition given the framework of the objectives, policies and rules in the AIRPZ chapter. I consider that the definition is clear and draws an explicit distinction between this definition and the definition for *airport support activity*. For these reasons, I recommend that the definition of *airport activity* be retained as notified. The s42A Report makes the same recommendation.

PC28 – HAZARDOUS SUBSTANCES

HASZ-O1

[113] Meridian’s submission sought to amend HAZS-O1 as follows:

The benefits of the use and storage of hazardous substances are recognised while protecting human health and the environment ~~from~~ by minimising risks associated with these activities.

[114] The reason provided by Meridian is:

“This objective is too broad. Not all risks need to be eliminated to ensure the health and safety of people and the environment. Meridian seeks insertion of “by minimising”, where minimising is understood to mean ‘to reduce to the smallest amount reasonably practicable’. Insertion of these words allows for consideration of both the cost of reducing risk and the associated benefits to be gained from the reduction in risk.”

[115] No other submissions sought amendments to HAZS-O1.

[116] The s42A Report that addresses the HAZS chapter agrees with Meridian’s submission, in particular that “*there is no requirement to avoid all risks on the health and safety of people*”.²⁷ However, the s42A Report also considers that “*the wording sought by Meridian is wording that is used in a policy, rather than an outcome statement, which is required for an objective*”. For this reason, the s42A Report recommends adopting the following changes to HAZS-O1:

The benefits of the use and storage of hazardous substances are recognised while protecting human health and the environment from risks associated with these activities to an appropriate level.

[117] I agree with the s42A Report’s recommendation and consider that it appropriately addresses the concern raised in Meridian’s submission.

HAZS-O2

[118] Meridian’s submission sought to amend HAZS-O2 as follows:

HAZS-O2 Reverse Sensitivity Effects Sensitive Activities

Reverse sensitivity effects of sensitive activities on existing major hazard facilities are ~~managed, and unacceptable risks to the sensitive activity are avoided.~~

²⁷ Section 42A Report Part A: Plan Change 28, Contaminated Land, Hazardous Substances, Natural Hazards and Hydro Inundation, Variation 1 to Plan Change 26, Variation 1 to Plan Change 27, Report on submissions and further submissions, Author: Meg Justice, Date: 24 April 2025, Paragraph 93

[119] The reason provided by Meridian is:

“HAZS-O2 aims to both protect existing major hazard facilities from the reverse sensitivity effects that can result from new sensitive activities locating close to the former and protect existing sensitive activities from new major hazard facilities.

Regarding protection of existing sensitive activities from new major hazard facilities, this is generally addressed in HASZ-O1.

Meridian considers that HAZS-O2 should focus on protecting existing major hazard facilities from the reverse sensitivity effects that can result from new sensitive activities locating close to the former.”

[120] No other submissions sought amendments to HAZS-O2.

[121] The s42A Report does not agree with Meridian's submission. Rather the s42A Report states:

“HAZS-O1 does not only relate to the management of major hazard facilities, rather it is seeking to manage all storage and use of hazardous substances, and it provides objective direction when considering applications that do not comply with rule HAZS-R1 (the use and storage of hazardous substation located in a high flood hazard area). Objective HAZS-O2 provides specific objective direction for new major hazard facilities, to manage the risks of major hazard facilities located in proximity to sensitive activities. However, I consider that the title of objective HAZS-O2, which is ‘Sensitive Activities’ is misleading, as this objective is seeking to manage ‘Major Hazard Facilities’. I therefore consider that Meridian’s submission on HAZS-O2 will be addressed in part by amending the objective’s title to ‘Major Hazard Facilities’ to make it clear that this objective is concerned with managing the effects of and on major hazard facilities.”

[122] I do not agree with the s42A Report on this matter, and I consider that the Report's proposed amendment to only the title of HAZS-O2 leaves the provision itself unclear. I appreciate that HAZS-O1 addresses more

than *major hazard facilities*, however in my opinion its reference to the “*use and storage of hazardous substances*” includes *major hazard facilities* amongst other activities. For this reason, the *protection* given to “*human health and the environment from risks associated with these activities*” in HAZS-O1 includes management of the risks posed by *major hazard facilities* and there is no need for HAZS-O2 to duplicate this outcome. What remains then is the need for an objective (outcome) that protects *major hazard facilities* from the potential for reverse sensitivity effects (thereby giving effect to ATC-O6). On this basis, I consider Meridian’s relief to be appropriate and I recommend its adoption.

HAZS-P3

[123] Meridian’s submission sought to amend HAZS-P3 as follows:

Ensure any new sensitive activity is separated from any existing major hazard facility to ~~minimise avoid~~ the potential for reverse sensitivity effects on the major hazard facility, ~~and avoid unacceptable risk to the sensitive activity~~.

[124] The reason provided by Meridian is:

“HAZS-P3 aims to both protect existing major hazard facilities from the reverse sensitivity effects that can result from new sensitive activities locating close to the former and protect existing sensitive activities from new major hazard facilities.

Regarding protection of existing sensitive activities from new major hazard facilities, this is addressed in HAZS-P2.

Meridian considers that HAZS-P3 should focus on protecting existing major hazard facilities from the reverse sensitivity effects that can result from new sensitive activities locating close to the former.”

[125] No other submissions sought amendments to HAZS-P3.

[126] The s42A Report supports Meridian’s submission in part. The s42A Report states:

“Policy HAZS-P2 is tasked with protecting existing sensitive activities from new major hazard facilities, whereas policy HAZS-P3 manages proposals for new sensitive activities that may be in proximity to major hazard facilities. Policy HAZS-P3 is intended to strongly discourage new sensitive activities from establishing close to a major hazard facility...”

[127] Rather than agree with the relief sought by Meridian, the s42A Report recommends replacing HAZS-P3 with the following:

Ensure any new sensitive activity is separated from any existing major hazard facility to:

- 1. minimise the potential for reverse sensitivity effects on the major hazard facility; and*
- 2. avoid unacceptable risk to the sensitive activity.*

[128] In my opinion, this substantively addresses the concerns raised in Meridian’s submission and is consistent with ATC-O6.

[129] For completeness, I note that ATC-O4 requires that “*reverse sensitivity effects*” on “*renewable electricity generation and electricity transmission activities and assets*” are “*avoided*”, rather than “*minimised*”. It is possible that a renewable electricity generation activity could fall within the definition of a *major hazard facility*, and in this case ATC-O4 would apply. This would mean that despite HAZS-P3, *avoidance* of reverse sensitivity effects on the renewable electricity generation activity would be required.

[130] For the preceding reasons, I recommend adopting the replacement HAZS-P3 as recommended by the s42A Report.

HAZS-R3

[131] HAZS-R3 addresses *Sensitive activities on a site adjoining a major hazard facility in all zones*. The rule makes such activities a restricted discretionary activity and subject to the following matter of discretion:

The risks associated with locating in proximity to the major hazard facility that are identified in a Quantitative Risk Assessment.

[132] Meridian's submission sought to add an additional matter of discretion to HAZS-R3 that reads:

2. The potential reverse sensitivity effects of the sensitive activity on the effective and efficient operation and maintenance of major hazard facilities.

[133] The s42A Report recommends accepting Meridian's submission. I agree with this recommendation and note that the additional matter of discretion is necessary given the requirements of ATC-O6 and proposed HAZS-O2.

HAZS-R4

[134] Meridian's submission sought to retain HAZS-R4 as notified. This rule makes *Sensitive Activities on the Same Site as a Major Hazard Facility* in all zones a non-complying activity.

[135] No submissions sought amendments to HAZS-R4 and the s42A Report recommends adopting the rule without changes. I agree with this recommendation.

PC28 – NATURAL HAZARDS

NH-O1, NH-O2 and New NH-O1A

[136] The notified version of NH-O1 requires that *New subdivision, land use and development* is avoided where the natural hazard risks to people property and infrastructure are assessed as being unacceptable. Meridian sought an amendment to NH-O1 that excluded *critical infrastructure* from NH-O1, on the basis that there may be functional needs or operational needs for critical infrastructure to be located in areas with natural hazards. With this, Meridian sought insertion of a new objective (referred to by Meridian

as NH-O1A) to address new subdivision, use and development of land for critical infrastructure in a natural hazard area.

[137] The s42A Report generally supported the points made in meridian's submission however, rather than adopt Meridian's relief the Report recommends changes to NH-O2 to allow for critical infrastructure in areas of high natural hazard risk where there is an functional need or operational need to be at that location; and the critical infrastructure is as resilient to the effects of natural hazards as "*possible*" while achieving the objectives of the critical infrastructure; and new critical infrastructure avoids increasing the risks of natural hazards to people, property and infrastructure or, where avoidance is not practicable, mitigation measures minimise such risks.²⁸

[138] I agree with the concerns raised by Meridian and consider that the s42A Report's recommendations regarding amendments to NH-O1 and NH-O2 substantively address Meridian's concerns. At the same time, I note that Part 2. of the amendments recommended in the s42A Report reads "*If there is a functional need or operational need to be within areas of high natural hazard risk the critical infrastructure must be designed to be as resilient to the effects of natural hazards as possible, while achieving the objectives of the critical infrastructure*". In my opinion the word "*possible*" should be replaced with "*practicable*". It may be *possible* to design to a certain level of resilience; however associated costs may prohibit the critical infrastructure from being able to be established. Use of *practicable* ensures that consideration of costs is factored into implementation of this objective.

[139] For the preceding reasons I recommend the amendments to NH-O1 and NH-O2 that are in Annexure 1 of this evidence.

²⁸ Section 42A Report Part A: Plan Change 28 Contaminated Land, Hazardous Substances, Natural Hazards and Hydro Inundation, Variation 1 to Plan Change 26, Variation 1 to Plan Change 27, Report on submissions and further submissions, Author: Meg Justice, Date: 24 April 2025, Paragraph 162

NH-P4 and NH-P5

[140] Meridian sought that NH-P4 and NH-P5 be retained as notified. Meridian considered that the provision “*strikes an appropriate balance between providing for critical infrastructure in the Flood Hazard Assessment Overlay and minimising risks to human health and property associated with flooding.*”

[141] Several other submitters addressed NH-P4 and NH-P5 and the s42A Report has summarised these and made recommendations accordingly.

[142] The amendments recommended in the s42A Report on NH-P4 are, in my opinion, helpful and appropriate clarifications to the policy. The addition of NH-PX that is recommended in the s42A Report, in my opinion, is necessary to fill a planning gap concerning provision for the operation, maintenance, repair, replacement and upgrading of critical infrastructure in High Flood Hazard Areas.

[143] In summary, rather than adopting the relief sought by Meridian concerning NH-P4, I recommend adopting the amendments to NH-P4 and the addition of NH-PX that are recommended in the s42A Report.

NH-P8

[144] Meridian’s submission considered that 2.a. in NH-P8 referenced *risks* too broadly and sought the following amendment to the provision:

2. *Critical infrastructure, major hazard facilities, education facilities or visitor accommodation activities only locate within the Fault Hazard (Critical Infrastructure) Overlay where:*

a. *the building can be designed to manage the risks resulting from a surface fault rupture hazard to people and property, and buildings on adjoining sites, to an acceptable level.*

[145] The s42A Report has not responded to this relief and has not adopted the relief sought.

[146] In my opinion, the amendment sought by Meridian provides helpful clarification to the policy, which focuses on risks associated with fault hazards. Other risks associated with critical infrastructure, major hazard facilities, education facilities or visitor accommodation activities (for example risks associated with flooding) are addressed elsewhere in the MDP and associated plan changes. I consider that Meridian's relief does not alter the scope or intent of NH-P8, rather it provides clarity that can aid implementation of the policy. For this reason, I recommend adopting the relief sought by Meridian.

NH-R4

[147] Meridian's submission sought that NH-R4 be retained as notified. It considered that the provision "*strikes an appropriate balance between enabling critical infrastructure in the Flood Hazard Assessment Overlay and minimising risks to human health and property associated with flooding*".

[148] Several other submissions were made on this provision. The s42A Report has assessed the submissions and recommended no changes to NH-R4. I agree with this recommendation.

NH-R6

[149] Meridian's submission sought that matter of discretion a. be retained as notified and that an additional matter of discretion be added to ensure that consideration is given to "*Any positive effects of the proposal*".

[150] The s42A Report supports Meridian's submission and recommends that the additional matter of discretion be added to NH-R6. The s42A Report notes that the additional matter of discretion is "*the most appropriate way to achieve Strategic Directions objective ATC-O3, which requires that the importance of infrastructure to the District is recognised and provided for, and that critical infrastructure is as resilient as possible to the risks of natural hazards (NH-O2)*"²⁹

²⁹ Ibid, Paragraph 233

[151] I agree with the s42A Report’s assessment of this matter and I consider that the additional matter of discretion goes some way to ensuring that NH-R6 is also consistent with ATC-O4. For these reasons, I recommend the changes to NH-R6 that are recommended in the s42A Report.

NH-R8

[152] Meridian’s submission sought an amendment to the description of the activity that NH-R8 addressed so that it is clear that critical infrastructure is not regulated by NH-R8, rather it is regulated by NH-R6.

[153] The s42A Report recommends that Meridian’s relief be accepted. The Report notes that “*The Fault Hazard (Critical Infrastructure) Overlay intentionally covers the Ostler Fault Hazard Area Overlay, however rule NH-R8 is not intended to apply to critical infrastructure. I therefore consider that the amendment sought to rule NH-R8, to exclude critical infrastructure provided for by rule NH-R6 from NH-R8, will assist with the efficient administration of the MDP*”.³⁰

[154] I agree with the s42A Report’s assessment and recommend that Meridian’s submission on NH-R8 be accepted.

PC28 – TREE-P2 AND TREE-P5

[155] Meridian’s submission seeks amendments to TREE-P2 and TREE-P5 to reflect the national significance of renewable electricity generation activities and that such activities can have functional needs and operational needs that may mean that *protecting* trees listed in TREE-SCHED1 may not be appropriate when the benefits of the activity outweigh the residual adverse effects.

[156] Meridian has sought that the chapeau to TREE-P2 be amended and that an additional consideration is included, as follows:

³⁰ Ibid, Paragraph 234

Protect as far as practicable any tree or group of trees listed in TREE-SCHE1 from the adverse effects of subdivision, land use and development, by considering:

...

4. the functional needs or operational needs to locate critical infrastructure in a place that would require the destruction or removal of any tree or group of trees listed in TREE-SCHE1.

[157] At the same time Meridian has sought an amendment to the definition of *Critical infrastructure (in relation to Natural Hazards Chapter only)* so that it can be used in provisions beyond the Natural Hazards Chapter. This is addressed later in this evidence.

[158] Concerning TREE-P5, Meridian has sought that it be amended by adding the following:

Only allow the destruction or removal of Notable Trees listed in TREE-SCHE1, where:

...

4. there is a functional need or operational need to locate critical infrastructure in a place that would require the destruction or removal of Notable Trees listed in TREE-SCHE1.

[159] The s42A Report has recommended rejecting Meridian's submission. The s42A Report notes:

"I note that the focus of TREE-P2 is the protection of notable trees, and there are other proposed policies which are aimed at providing for the provision of infrastructure within the root protection zone of notable trees (TREE-P3), providing for maintenance of notable trees to prevent damage to infrastructure (TREE-P4) and allowing destruction or removal of notable trees where necessary to avoid damage to infrastructure

(TREE-P5). I consider that the suite of policies adequately recognises and provides for the needs of infrastructure providers....³¹

I do not consider that the change to Policies TREE-P2 and TREE-P5 are necessary to give effect to Policy A of the NPSREG. Policy A seeks to ensure decision-makers recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. Policy A is not directed at the distribution and transmission networks for electricity and telecommunications. The provisions of the TREE Chapter would largely relate to the distribution networks, rather than the renewable electricity generation activities themselves.”³²

[160] I do not agree with the preceding reasons for rejecting Meridian’s submission. While TREE-P3, TREE-P4 and TREE-P5 address *works around notable tree, maintenance of notable trees and destruction or removal of notable trees*, in my opinion TREE-P2, TREE-P3 and TREE-P5 could lead to protection of a notable tree without consideration of whether the benefits of a critical infrastructure activity outweigh the residual adverse effects on a notable tree. This is because TREE-P3 only provides for works around trees where the “*works avoid, remedy or mitigate adverse effects on the trees*” and TREE-P5 allows for the destruction or removal of a notable tree but only where:

1. *the tree is certified as being dead or in terminal decline by a qualified arborist; or*
2. *the destruction or removal of the tree is necessary to avoid adverse effects of the tree on public safety, or damage to property or infrastructure; or*

³¹ Section 42A Report Part B: Plan Change 28 (and Variation 1 to Plan Change 26 and Variation 1 to Plan Change 27) Historic Heritage and Notable Trees Report on submissions and further submissions, Author: Emma Spalding, Date: 24 April 2025, Paragraph 231

³² Ibid, Paragraph 233

3. *the use and enjoyment of a property and surrounds is significantly compromised or diminished.*

[161] I also do not agree with the s42A Report's statement that "*The provisions of the TREE Chapter would largely relate to the distribution networks, rather than the renewable electricity generation activities themselves*"³³. While TREE-R2 and TREE-R3 address activities related to "*Maintaining Overhead Lines and Road Corridor Safety*" and "*the Installation and Maintenance of Underground Lines*" respectively, Rules R4, R5, R7, R8 and, in particular Rule R6, would be applied to renewable electricity generation activities where there is a potential effect on a notable tree.

[162] Further, while it may be possible that destruction or removal of a notable tree for critical infrastructure purposes could be argued to be allowed by TREE-P3.3, I consider this provision to be unclear in this regard.

[163] For this reason, I agree with Meridian's submission that seeks clear recognition of the need to consider the functional needs and operational needs of critical infrastructure when providing protection to notable trees, and I recommend that Meridian's submission be accepted.

PC28 – SUBDIVISION

[164] Amongst other matters, PC28 Part A (Hazards and Risks) proposes to vary the Subdivision Chapter of PC27 (within the 'Subdivision' section in 'Part 2 – District Wide Matters') to include additional rules SUB-R7A – SUB-R7E that apply to subdivision within the new PC28 overlay areas.

[165] SUB-R7E addresses *Subdivision where any part of any proposed allotment is within the Hydro Inundation Hazard Overlay*. Meridian's submission sought corrections to drafting errors and inclusion of an additional matter of discretion addressing the potential for reverse sensitivity effects on renewable electricity generation activities. Genesis, in its submission, sought a similar additional matter of discretion.

³³ Ibid

[166] The s42A Report supports Meridian's submission and recommends that its relief be accepted. I agree that the drafting corrections are needed, and the addition of the matter of discretion addressing the potential for reverse sensitivity gives effect to Policy D of the NPS-REG. For these reasons I recommend accepting Meridian's relief.

PC28 – DEFINITIONS

Critical infrastructure (in relation to Natural Hazards Chapter only)

[167] Meridian's submission seeks amendments to the definition of *Critical infrastructure (in relation to Natural Hazards Chapter only)* to be more consistent with the definition of *critical infrastructure* in the CRPS. Meridian also notes that the term *critical infrastructure* is only used in the NH chapter of the notified version of PC28 meaning, it is not necessary to include “*(in relation to Natural Hazards Chapter only)*” in the term being defined. Further to this, and as previously discussed, Meridian's relief sought on TREE-P2 and TREE-P5 include references to *critical infrastructure*.

[168] The relief sought by Meridian is to amend the chapeau to the definition as follows:

critical infrastructure ~~(in relation to Natural Hazards Chapter only)~~

Infrastructure that is necessary to provide ~~Those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Canterbury, or Mackenzie, which if interrupted, would have a significant effect on communities within the Mackenzie District, Canterbury region or wider populations and which would require immediate reinstatement. This includes any structures that support, protect or form part of critical infrastructure.~~ Critical infrastructure includes....

[169] As a consequence of my recommendations on TREE-P2 and TREE-P5, I recommend deleting the words “*(in relation to Natural Hazards Chapter only)*” from the term being defined.

[170] The s42A Report recommends adopting most of the amendments sought to the chapeau by Meridian. I agree with this recommendation as it more closely aligns the definition to the definition of *critical infrastructure* in the CRPS. However, the s42A Report recommends not adopting the words *This includes any structures that support, protect or form part of critical infrastructure* on the basis that the additional words would significantly broaden the definition and may create uncertainty with its implementation. I disagree with the s42A Report on this matter.

[171] The CRPS's definition of *critical infrastructure* explicitly includes the words "*This includes any structures that support, protect or form part of critical infrastructure*". In my opinion this adds clarity to the definition. I do not consider that it broadens the definition since any structure that supports or protects critical infrastructure must by its nature be critical. Without the support or protection, the critical infrastructure must be at risk of failing to serve its purpose. For this reason, I recommend that the definition be amended to include the words "*This includes any structures that support, protect or form part of critical infrastructure*".

[172] For the preceding reasons I recommend that the definition of *critical infrastructure (in relation to Natural Hazards Chapter only)* be amended as follows:

***critical infrastructure ~~(in relation to Natural Hazards~~
Chapter only)***

*Those necessary facilities, services, and installations and infrastructure
which are critical or of significance to either New Zealand, Canterbury,
or Mackenzie, which if interrupted, would have a significant effect on
communities within the District, Canterbury region or wider populations
and which would require immediate reinstatement. This includes any
structures that support, protect or form part of critical infrastructure.
*Critical infrastructure includes:...**

PC29 – NOISE

NOISE-O1

[173] Meridian’s submission on Noise-O1 sought changes to avoid the objective protecting the status quo and to ensure that the functional needs and operational needs of critical infrastructure are recognised when considering the appropriateness of noise in the district.

[174] The s42A Report has recommended that Meridian’s relief be rejected, and instead has recommend the following amendments to NOISE-O1:

Noise is consistent compatible with the purpose, and anticipated character and qualities of the receiving environment, and maintains the health and well-being of people and communities.³⁴

[175] Part of the Report’s reasoning for rejecting Meridian’s relief is that the INF and the Strategic Direction chapters will apply at the same time as NOISE-O1, and with the change from “*consistent*” to “*compatible*” there is room for consideration of the appropriateness of noise associated with infrastructure activities.

[176] I agree with the assessment made in the s42A Report and recommend adopting the Report’s recommended changes to NOISE-O1.

NOISE-P1

[177] Meridian’s submission sought amendments to NOISE-P1 to ensure that the benefits of a noise generating activity are taken into account when managing noise emissions.

[178] The s42A Report states that:

³⁴ Section 42A Report: Plan Change 29 (and Variation 1 to Plan Change 23, Variation 2 to Plan Change 26, and Variation 2 to Plan Change 27) Open Space and Recreation Zones, Noise, Signs and Temporary Activities Report on submissions and further submissions Author: Liz White Date: 24 April 2025, Paragraph 111.

“I agree in part with including consideration of the benefits of an activity within the policy, as I agree that it is appropriate to consider these benefits when considering the effects of the noise the activity is generating. However, I consider that this should be limited to consideration of the benefits to the community of the noise-generating activity, as in my view it is these wider benefits that should be weighed up when determining how noise effects should be managed, rather than private benefits of an activity generating noise.”³⁵

[179] I agree with the s42A Report’s assessment and its recommendation to amend NOISE-P1 as follows:

Manage noise effects to maintain the character and amenity anticipated in the area in which the effects are received, taking into account the nature, frequency, and duration and benefit to the community of the activity generating the noise.³⁶

NOISE-R1

[180] Meridian’s submission sought that NOISE-R1 be retained as notified.

[181] Other submissions were received on NOISE-R1 and I agree with the s42A Report’s assessment of these submissions and the Report’s recommendation that no changes be made to NOISE-R1.

CONCLUSION

[182] Having assessed the provisions of interest to Meridian, with respect to the statutory planning requirements, I consider that:

- a) The HI provisions in PC28 are consistent with and give effect to the higher order planning requirements and should be retained as notified; and

³⁵ Ibid, Paragraph 108

³⁶ Ibid, Paragraph 113

b) The AIRPZ provisions in PC30 fail to recognise that the Pūkaki Airport is located in the Hydro Inundation Hazard Overlay; they allow for substantial increases in occupancy at the Pūkaki Airport and associated increases in the risk of reverse sensitivity on the Waitaki Power Scheme; and accordingly, they are not consistent with the higher order planning requirements.

[183] Annexure 1 of this evidence provides my recommended amendments to the AIRPZ provisions.

[184] Several other issues in PC28, PC29 and PC30 were identified in Meridian's submissions concerning the need to ensure that renewable electricity generation activities are enabled or not unnecessarily restricted. Annexure 1 of this evidence provides my recommended amendments to the HAZS, NH, TREE, SUB and NOISE provisions to ensure that they are consistent with the requirements of the NPS-REG and other higher order planning requirements.

[185] In conclusion, I recommend the changes to the provisions that are set out in **Annexure 1** of this evidence.



Susan Ruston
9 May 2025

ANNEXURE 1: RECOMMENDED DRAFTING SOLUTIONS

Based on the assessment within this evidence, the following provides my recommended drafting solutions. In preparing these solutions, I have added my recommended amendments to the recommendations of the s42A Report where the report's recommended changes are shown in black strikethrough or underlining, and my recommended changes are shown in red strikethrough or underlining.

PC28 - HYDRO INUNDATION (HI)

Provision	Recommended Drafting Solution
HI-O1	Retain as notified.
HI-P1	Retain as notified.
HI-R1	Retain as notified and at the same time adopt the following change to condition 1: <i>It is demonstrated that the building, will not raise the Potential Impact Classification (Low, Medium, High) under the Building Act 2004, or where the Potential Impact Classification is already Medium or High, will not increase the Population at Risk in a manner that would lead to a requirement to cease to operate, upgrade, modify, or replace the hydro-electricity related structures or to significantly alter the operation of an affected portion of a hydroelectricity scheme;</i>
New HI-R1A	Add the following new HI rule: <u>HI-R1A: All Other Activities (except as provided for by Rules HI-R1, R2 and R3)</u> <u>GRUZ within the Hydro Inundation Hazard Overlay</u> <u>Activity Status: PER</u> <u>Where:</u> <u>1. It is demonstrated that the activity, will not raise or change the Potential Impact Classification (Low, Medium, High) under the Building Act 2004.</u>

	<p><i>or where the Potential Impact Classification is already Medium or High, will not increase the Population at Risk in a manner that would lead to a requirement to cease to operate, or to a requirement to upgrade, modify, or replace the hydroelectricity related structures or to significantly alter the operation of an affected portion of a hydroelectricity scheme; or</i></p> <p><i>2. The activity is required by the owner or operator of the hydroelectricity scheme to undertake maintenance of any dam, canal or any associated structures.</i></p> <p><u>Activity status when compliance is not achieved with R1A.1-R1A.2: DIS</u></p>
HI-R2	Retain as notified.
HI-R3	Retain as notified.

PC30 - AIRPORT SPECIAL PURPOSE ZONE (AIRPZ)

Provision	Recommended Drafting Solution
Definition of <i>Airport activity</i>	Retain as notified.
Definition of <i>Airport building</i>	Retain as notified.
Definition of <i>Airport support activity</i>	Retain as notified.
AIRPZ-O1	<p>Amend as follows:</p> <p><i>The efficient use and development of airport zoned land and facilities for airport activities, airport support activities, aviation related residential units, aviation related residential activities, or aviation related visitor accommodation to support the economic and social well-being of Te Manahuna/the Mackenzie District.</i></p>

AIRPZ-O2	<p>Retain as notified and at the same time adopt the following change to condition 2</p> <p>2. <i>Recognises the functional needs and operational needs of airport <u>activities</u> and <u>airport support related supporting</u> activities;</i></p>
AIRPZ-P2	<p>Amend as follows:</p> <p><i>1. <u>Avoid non-airport related commercial, industrial and other activities unless they:</u></i></p> <p><i> 1.i. <u>Are compatible with the ongoing safe and efficient operation and function of airports;</u></i></p> <p><i> 2.ii. <u>Are compatible with the character and amenity values anticipated within the AIRPZ; and</u></i></p> <p><i> 3.iii. <u>Do not detract from the existing commercial centres in Takapō / Lake Tekapo or Twizel; and</u></i></p> <p><i>2. <u>At the Pūkaki Airport avoid activities that are not airport activities, airport support activities, aviation related residential units, aviation related visitor accommodation or earthworks associated with these activities.</u></i></p>
AIRPZ-R1	Retain as notified.
AIRPZ-R2	Retain as notified.
AIRPZ-R3	<p>Amend as follows:</p> <p><i>AIRPZ-R3 Residential Unit / Residential Activity</i></p> <p><i>Activity Status: PER</i></p> <p><i>Where:</i></p> <p><i>1. <u>The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m² <u>per site</u>.</u></i></p> <p><i>Activity status when compliance is not achieved with R3.1 outside the <u>Hydro Inundation Hazard Overlay</u>:</i> <i>DIS</i></p>

	<p><u>Activity status when compliance is not achieved with R3.1 inside the Hydro Inundation Hazard Overlay: NC</u></p>
AIRPZ-R4	<p>Amend as follows:</p> <p><i>AIRPZ-R4 Staff Accommodation</i></p> <p><i>Activity Status: PER</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> 1. <i>The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m² <u>per site</u>; and</i> 2. <i>The maximum <u>nightly</u> occupancy does not exceed six staff <u>per site</u>.</i> <p><i>Activity status when compliance is not achieved with R4.1 – R4.2 outside the Hydro Inundation Hazard Overlay: DIS</i></p> <p><u>Activity status when compliance is not achieved with R4.1 – R4.2 inside the Hydro Inundation Hazard Overlay: NC</u></p>
AIRPZ-R5	<p>Amend as follows:</p> <p><i>AIRPZ-R5 Aviation Related Visitor Accommodation</i></p> <p><i>Activity Status: PER</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> 1. <i>The use is contained within an airport building and the maximum combined total gross floor area of any residential, staff accommodation and aviation related visitor accommodation does not exceed 150m² <u>per site</u>; and</i> 2. <i>The maximum <u>nightly</u> occupancy does not exceed six guests per <u>night site</u>.</i> <p><i>Activity status when compliance is not achieved with R5.1 - R5.2 outside the Hydro Inundation Hazard Overlay: DIS</i></p> <p><u>Activity status when compliance is not achieved with R5.1 - R5.2 inside the Hydro Inundation Hazard Overlay: NC</u></p>

AIRPZ-R8	<p>Amend as follows:</p> <p><i>AIRPZ-R8</i></p> <p><i>Activities Not Otherwise Listed</i></p> <p><i>Outside the Hydro Inundation Hazard Overlay Activity Status: DIS</i></p> <p><i>Inside the Hydro Inundation Hazard Overlay Activity Status: NC</i></p>
AIRPZ-R9	Retain as notified.
AIRPZ-R10	Retain as notified.
AIRPZ-R11	Retain as notified.

PC28 – HAZARDOUS SUBSTANCES

Provision	Recommended Drafting Solution
HAZS-O1	<p>Amend as follows:</p> <p><i>The benefits of the use and storage of hazardous substances are recognised while protecting human health and the environment from risks associated with these activities to an appropriate level.</i></p>
HAZS-O2	<p>Amend as follows:</p> <p><i>HAZS-O2 Sensitive Activities Reverse Sensitivity Effects on Major Hazard Facilities</i></p> <p><i>Reverse sensitivity effects of sensitive activities on existing major hazard facilities are managed, and unacceptable risks to the sensitive activity are avoided.</i></p>
HAZS-P3	<p>Replace the notified version of HAZS-P3 with the following:</p> <p><i>Ensure any new sensitive activity is separated from any existing major hazard facility to:</i></p>

	<ol style="list-style-type: none"> <u>1. minimise the potential for reverse sensitivity effects on the major hazard facility; and</u> <u>2. avoid unacceptable risk to the sensitive activity.</u>
HAZS-R3	<p>Retain as notified and at the same time add the following matter of discretion:</p> <ol style="list-style-type: none"> <u>2. The potential reserve sensitivity effects of the sensitive activity on the effective and efficient operation and maintenance of major hazard facilities.</u>
HAZS-R4	Retain as notified.

PC28 – NATURAL HAZARDS

Provision	Recommended Drafting Solution
NH-O1	<p>Amend as follows:</p> <p style="text-align: center;"><i>NH-O1 Risk from Natural hazards</i></p> <p><i>New subdivision, land use and development (excluding critical infrastructure):</i></p> <ol style="list-style-type: none"> <i>1. is avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and</i> <i>2. in all other areas, is undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure are avoided or appropriately mitigated.</i>
NH-O2	<p>Amend as follows:</p> <p style="text-align: center;"><i>NH-O2 Critical Infrastructure, Major Hazard Facilities and Specific Buildings in Natural Hazard Overlays</i></p> <ol style="list-style-type: none"> <i>1. Critical infrastructure is <u>not</u> located <u>in</u> areas of high natural hazard risk <u>unless there is a functional need or operational need to be at the location;</u></i> <i>2. If there is a functional need or operational need to be within areas of high natural hazard risk the critical infrastructure must, <u>as far as practicable</u>, be <u>and</u> designed to be <u>as</u> resilient to the effects of natural hazards <u>as possible</u>, while achieving the objectives of the critical infrastructure;</i>

	<p>3. <i>New critical infrastructure avoids increasing the risks of natural hazards to people, property and infrastructure or, where avoidance is not practicable, mitigation measures minimise such risks;</i></p> <p>2.4. <i>Major hazard facilities, healthcare facilities, emergency services facilities, education facilities or visitor accommodation activities avoid locating in areas of high natural hazard risk associated with surface fault rupture where the effects on occupants and neighbours are assessed as being unacceptable.</i></p>
NH-P4	<p>Amend as follows:</p> <p><i>NH-P4 Flood Hazards</i></p> <p><i>Within the Flood Hazard Assessment Overlay Area (except High Flood Hazard Areas), enable:</i></p> <ol style="list-style-type: none"> 1. <i>new non critical infrastructure, or the operation, maintenance, repair, replacement, upgrading of non critical infrastructure where the infrastructure does not increase flood risk on another site or property;</i> 2. <i>the development, operation, maintenance, repair, replacement, upgrading of critical infrastructure where the infrastructure does not increase flood risk on another site or property; and</i> 3. <i>any other new subdivision, use and development only where every new natural hazard sensitive building has an appropriate floor level above the 500 year ARI design flood level.</i>
New NH policy	<p>Insert the following new policy:</p> <p><i>NH-PX Critical Infrastructure in High Flood Hazard Area</i></p> <p><i>Enable the operation, maintenance, repair, replacement and upgrading of critical infrastructure within High Flood Hazard Areas where the infrastructure does not increase flood risk on surrounding properties.</i></p>
NH-P5	<p>Retain as notified.</p>
NH-P8	<p>Amend as follows:</p>

	<p>NH-P8 Fault Hazard Risk to Critical Infrastructure and Specific Buildings</p> <ol style="list-style-type: none"> 1. <i>Critical Infrastructure only locates within the Fault Hazard (Critical Infrastructure) Overlay where:</i> <ol style="list-style-type: none"> a) <i>there is a functional need or operational need to locate in that environment; and</i> b) <i>the infrastructure is designed to be resilient to surface fault rupture hazard as far as is practicable.</i> 2. <i>Critical infrastructure, major hazard facilities, education facilities or visitor accommodation activities only locate within the Fault Hazard (Critical Infrastructure) Overlay where:</i> <ol style="list-style-type: none"> a) <i>the building can be designed to manage the risks <u>resulting from a surface fault rupture hazard</u> to people and property, and buildings on adjoining sites, to an acceptable level.</i>
NH-R4	Retain as notified.
NH-R6	<p>Amend NH-R6 by adding the following to matter of discretion d.i.</p> <p>i. <i>risks to the structural integrity of the critical infrastructure, major hazard facility, education facility or visitor accommodation activities can be appropriately managed <u>in a fault rupture event</u></i></p> <p>And</p> <p>Amend NH-R6 by adding the following additional matter of discretion:</p> <p>e. <i><u>Any positive effects from the proposal</u></i></p>
NH-R8	<p>Amend as follows:</p> <p><i>Buildings and Structures <u>Not Provided for by NH-R6 or Not Otherwise Provided For...</u></i></p>

PC28 – TREE

Provision	Recommended Drafting Solution
TREE-P2	<p>Amend as follows:</p> <p><i>Protect <u>as far as practicable</u> any tree or group of trees listed in TREE-SCHED1 from the adverse effects of subdivision, land use and development, by considering:</i></p> <p>...</p> <p><i>4. <u>the functional needs or operational needs to locate critical infrastructure in a place that would require the destruction or removal of any tree or group of trees listed in TREE-SCHED1.</u></i></p>
TREE-P5	<p>Amend as follows:</p> <p><i>Only allow the destruction or removal of Notable Trees listed in TREE-SCHED1, where:</i></p> <p>...</p> <p><i>4. <u>there is a functional need or operational need to locate critical infrastructure in a place that would require the destruction or removal of Notable Trees listed in TREE-SCHED1.</u></i></p>

PC28 – SUBDIVISION

Provision	Recommended Drafting Solution
SUB-R7E	<p>Amend as follows:</p> <p><i>Subdivision where any part of any proposed allotment is within the Hydro Inundation Hazard Overlay</i></p> <p><i>General Rural Zone within the Hydro Inundation Hazard Overlay</i></p> <p><i>Activity Status: RDIS</i></p> <p><i>Matters of discretion are restricted to:</i></p>

a. The potential effects of hydro inundation on people, buildings and structures.

And Where the activity complies with the following standards:

SUB-S1 Allotment Size and Dimensions

SUB-S2 Property Access

SUB-S3 Water supply

SUB-S4 Wastewater Disposal

SUB-S5 Walkable Blocks

SUB-S6 Corner Splays

SUB-S7 Electricity Supply and Telecommunications

SUB-S10 Stormwater Disposal

PA-S1 Esplanade Requirements

Matters of discretion are restricted to:

a. The potential effects of hydro inundation on people, buildings and structures

b. The potential for the subdivision to result in reverse sensitivity effects that may affect the operation of the Waitaki Power Scheme

AND

SUB-MD1 Design

SUB-MD2 Infrastructure

SUB-MD3 Water Supply

SUB-MD4 Stormwater Disposal

SUB-MD5 Transportation Networks

SUB-MD6 Easements

SUB-MD7 Reverse Sensitivity

SUB-MD8 Public Access

SUB-MD9 Wastewater Disposal

PC28 – OTHER DEFINITIONS

Provision	Recommended Drafting Solution
Definition of Critical infrastructure (in relation to Natural Hazards Chapter only)	<p>Amend as follows:</p> <p><i>critical infrastructure (in relation to Natural Hazards Chapter only)</i></p> <p><i>Those necessary facilities, services, and installations and infrastructure which are critical or of significance to either New Zealand, Canterbury, or Mackenzie, which if interrupted, would have a significant effect on communities within the District, Canterbury region or wider populations and which would require immediate reinstatement. This includes any structures that support, protect or form part of critical infrastructure. Critical infrastructure includes:...</i></p>

PC29 – NOISE

Provision	Recommended Drafting Solution
NOISE-O1	<p>Amend as follows:</p> <p><i>Noise is consistent compatible with the purpose, and anticipated character and qualities of the receiving environment, and maintains the health and well-being of people and communities.</i></p>
NOISE-P1	<p>Amend as follows:</p> <p><i>Manage noise effects to maintain the character and amenity anticipated in the area in which the effects are received, taking into account the nature, frequency, and duration and benefit to the community of the activity generating the noise.</i></p>
NOISE-R1	<p>Retain as notified.</p>