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*In the matter of:* the Resource Management Act 1991 (Act)

*and*

*in the matter of:* the hearing of submissions and further submissions by Meridian Energy Limited on Plan Change 13 (Mackenzie Basin) to the Operative Mackenzie District Plan

*between* **Meridian Energy Limited**  
*Submitter*

*and* **Mackenzie District Council**  
*Territorial Authority*

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Outline of legal submissions on behalf of  
Meridian Energy Limited

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## OUTLINE OF LEGAL SUBMISSIONS ON BEHALF OF MERIDIAN ENERGY LIMITED

### INTRODUCTION

- 1 These legal submissions and the evidence to follow highlight the key aspects of Meridian Energy Limited's (*Meridian's*) submissions and further submissions on Plan Change 13 (Mackenzie Basin) to the Operative Mackenzie District Plan (*PC13*).
- 2 Meridian lodged detailed submissions and further submissions on PC13, including specific relief sought showing the particular tracked changes that would address Meridian's concerns. Meridian continues to seek that relief sought, as described in those detailed submissions. To assist, Meridian has also now provided a tracked changes version of the edits Meridian seeks to PC13 as now recommended to be amended in the Planner's Report. This is attached as Annexure A to the evidence of Mr Gimblett.
- 3 A detailed overview of Meridian is contained in its submission on PC13, and its role and interest in the Mackenzie Basin, including the importance of the Waitaki Hydro-Electricity Power Scheme (*HEPS*), will be well known to the Committee.
- 4 It is important to record that Meridian does not oppose the Mackenzie District Council's (*Council's*) desire to control the adverse effects of sporadic *residential* development and subdivision within the Mackenzie Basin, and understands that PC13 is intended to achieve such control.
- 5 However, the Mackenzie Basin also contains significant components of the Waitaki HEPS and its associated generation and transmission infrastructure (such as the canals, reservoirs, control structures, substations and electricity grid) that are considered to be utilities of national significance in the District Plan (pg.15-1). Many of these of course are Meridian assets. The *National Policy Statement on Electricity Transmission* (released in March 2008) recognises that the efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Both the New Zealand Energy Strategy to 2050 (*Powering Our Future*) and the Proposed National Policy Statement for Renewable Electricity Generation, record Government's intention that 90% of electricity generated in New Zealand should be derived from renewable energy sources by 2025.

- 6 PC13 has the potential to adversely impact on the Waitaki HEPS infrastructure, and future improvements or upgrades to this infrastructure. These effects of PC13 were probably not foreseen or intended by Council. Further, the section 32 material supporting PC13 has not assessed these effects on the Waitaki HEPS, as I will discuss further later.
- 7 I will outline the key topics that Meridian wishes to address today, and these will also be covered in more detail in the evidence to follow by:
- 7.1 Richard Turner, Planning Manager - Natural Resources, Meridian.
- 7.2 Nigel Connell, Water Resource Engineer, DamWatch (pre-circulated on 2 September 2008).
- 7.3 Ken Gimblett, Director / Senior Planner, Boffa Miskell (also pre-circulated on 2 September 2008).

#### **SCOPE OF PC13 – “ALL” DEVELOPMENT?**

- 8 PC13 appears to be generally intended to control the actual and potential adverse effects on the environment arising from sporadic residential development and subdivision in the Mackenzie Basin. These effects are, predominantly, landscape and visual effects, as canvassed in the November 2007 report by Graham Densem entitled “*The Mackenzie Basin Landscape: Character & Capacities*” (*Densem Report*).
- 9 The outcome that PC13 seems to be seeking is that residential activities (including farm buildings) follow current land use patterns in the Basin, being existing clusters of buildings usually associated with homesteads, or a “nodal form of development”.
- 10 However, as a result of the specific drafting adopted in the publicly notified version of PC13, and continued (albeit to a lesser extent) in the Planner’s Report recommendations, PC13 has the potential to affect *all* development, and to require *all* development to meet the same objectives, policies and other PC13 provisions.
- 11 Of particular concern, PC13 currently appears to direct, at least at an objective and policy level, that all new development within the Basin be located in identified or approved “nodes” within particular Landscape Sub Areas (LSAs), not just residential development and subdivision or farm buildings (see for example Policies 3D, 3G, and 3I).

- 12 The location and development of the LSAs (and the provision for new nodes within them), being focussed as they are on residential and farm uses, has taken *no account* of the requirements of utilities and the existing hydro-electricity infrastructure.
- 13 Clearly, the LSAs, and any existing or new nodes within them, should not direct the location of future HEPS infrastructure development.
- 14 Not only are the results of PC13 in its present form inappropriate from a sound planning perspective (the sustainable management of HEPS infrastructure being quite different to that of residential or farming development), they are not supported by any proper section 32 assessment under the Resource Management Act 1991 (*RMA*). A proper section 32 assessment requires consideration of the appropriateness of the PC13 objectives, policies, rules and methods, and their benefits and costs. Such an assessment also needs to incorporate consideration of whether or not the provisions are in accordance with Part 2 of the *RMA*.<sup>1</sup>
- 15 However, there has been *no* assessment made of the effects of the PC13 provisions on the Waitaki HEPS, or of the effects of PC13 on further development or upgrades to this infrastructure. If PC13 *intentionally* seeks to control HEPS infrastructure and not just *residential* development and subdivision (including farm buildings), an assessment should have been made of the appropriateness of that control, and the benefits and costs arising.
- 16 Policies requiring further amendment in Meridian's submission, in addition to the recommended amendments in the Planner's Report, are:
- 16.1 Policy 3D (Adverse Impacts of Buildings and Earthworks) and Policy 3K (Lakeside Areas), so that they:
- (a) In the case of 3D, catch only residential and farming buildings, structures and earthworks, etc, and,
  - (b) In the case of 3K, only housing or domestic development and associated buildings.

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<sup>1</sup> See the steps described in *Eldamos Investments Limited v Gisborne District Council* W047/05 (adopted in *Geotherm Group Limited v Waikato Regional Council* A047/06). Note that the Environment Court in *Long Bay-Okura Great Park Society Incorporated & Ors v North Shore City Council* A78/08 held that an assessment of benefits and costs is not required in respect of district plan objectives.

This is important as these two policies are framed to require *avoidance* of adverse impacts on outstanding natural landscapes and features (*ONL* and *ONF*) and on lakes and their margins, and do not provide for remedying or mitigation. It will not always be appropriate to require HEPS infrastructure and activities to solely avoid adverse effects, as some adverse effects may be in fact be "appropriate" (in terms of sections 6(a) and 6(b) of the RMA) when balanced against operational constraints or countervailing positive effects.

- 16.2 Policy 3G (Approved Building Nodes) requires similar amendment so that it applies only to residential development and subdivision, no assessment having been made of the effect of requiring HEPS infrastructure to comply with a nodal form of development in the Basin.
- 16.3 Policy 3I (Farm and Non-residential buildings), as amended in the Planner's Report, is simply not appropriate. As presently worded, the Policy requires that:
- (a) All built development ("non-residential buildings") be located in a nodal form (that is, within the identified LSAs); and
  - (b) If not located in such a node, that infrastructure be *located* and have an *appearance* which minimises their impact on landscape values.

No proper section 32 assessment has been made of the appropriateness of these two controls on infrastructure. Put simply, such controls cannot be applied to HEPS infrastructure in the same way that they might be applied to residential uses. For example:

- (a) HEPS infrastructure by its very nature is required to be located in close proximity to the resources on which it relies. Non-generation HEPS infrastructure then has other operational constraints that will often dictate where they are required to be located (for example, transmission infrastructure needs to travel between the source of the generation, the substations and ultimately end-users).
- (b) HEPS infrastructure also has particular operational, design and location requirements, which impact on their appearance. It will not always be appropriate or reasonable, in terms of Part 2 of the RMA, to alter the

design, appearance or location of HEPS infrastructure purely for landscape or visual mitigation purposes (particularly where such modification may have a significant operational constraint).

In Meridian's submission Policy 3N (Design and Appearance of Buildings), as amended in the Planner's Report, is more appropriate, and contains sufficient policy direction for the control of the design, scale, appearance of buildings, including requiring that regard be given to the purpose of the building and the reasonableness of the control.

- 17 It remains unclear throughout the drafting of PC13 as to precisely what development (residential, farming, or *all* development) the nodes are meant to provide for.
- 18 As nodes are to be predominantly located within the identified LSAs, the areas of the Basin that are *prima facie* available for development under PC13 are extremely limited. These limited areas have been assessed and described only in response to landscape and visual matters, and then only to the landscape and visual effects arising from residential, homestead and farming activities. No consideration has been given to the needs of, or effects of, HEPS infrastructure. It is therefore not appropriate, or sound planning, for that process and assessment to result in controls on *all* development.
- 19 The particular difficulties faced where the benefits of renewable electricity generation compete with the matters in sections 6 and 7 are sought to be addressed in the Proposed National Policy Statement for Renewable Electricity Generation. The Proposed NPS is also promulgated in the interests of adopting a nationally consistent approach to balancing the competing values associated with the development of renewable energy resources. I will discuss the Proposed NPS in more detail later in these submissions.
- 20 There is in Meridian's submission a basic need to appropriately direct the application of PC13 to residential development and subdivision (and farming unless a remote location is required). An amendment to the definition of "Building Node or Node" might assist, but would not be needed if edits were made to Policies 3G and 3I in particular so that nodes are identified, at the policy level, as being for residential and farming development. The specific edits required are set out in detail in Meridian's primary submission, with the critical edits (post the Planner's Report recommendations) being detailed in Annexure A to the evidence of Mr Gimblett.

### IMPROVEMENTS TO PC13

- 21 PC13 could also be improved to recognise the importance of the Waitaki HEPS and associated infrastructure present in the Basin, and to protect it from the actual and potential adverse effects that might arise if PC13 is made operative.
- 22 This is appropriate at this time, given: the addition of the need to have particular regard to “the benefits to be derived from the use and development of renewable energy” to section 7 of the RMA; the New Zealand Energy Strategy to 2050 (*Powering Our Future*); the National Policy Statement on Electricity Transmission; the Proposed National Policy Statement for Renewable Electricity Generation; the importance of renewable energy generally to the achievement of Government objectives; and the importance of the Waitaki HEPS infrastructure to the region and the nation.
- 23 The Planner’s Report does recommend the inclusion of a new Policy 3x (Hydro Electricity Generation), as sought by Meridian, and this is supported. However, it is Meridian’s submission that two further policies should also be included in PC13:
- 23.1 A new Policy 3B(X) (Renewable Energy). Policy 3x, as recommended in the Planner’s Report, simply recognises the importance of the Mackenzie Basin for renewable energy generation. Policy 3B(X) on the other hand seeks recognition and *provision for the use and development of* renewable energy generation and transmission while avoiding remedying and mitigating, as far as practicable, significant effects on ONL and ONF. This type of policy direction is necessary both as a forward-looking provision, and to counteract the drive in PC13 to otherwise elevate landscape and visual matters.
- 23.2 A new Policy 3(H)(X) (Compatibility of Activities) to provide more policy direction towards avoiding reverse sensitivity effects on the nationally important Waitaki HEPS infrastructure.
- 24 Appropriate planning provisions to address potential adverse effects arising from increased residential development and subdivision in the Basin (as foreshadowed by PC13), would appropriately include provisions addressing:
- 24.1 The impacts of increased residential development on water quantity and reliability of supply to existing users; and

24.2 Effects on water quality from stormwater and wastewater discharges (often sought to be discharged to Meridian land or into HEPS lakes), particularly during construction.

Some changes have been made in the Planner's Report in response to Meridian's submission, however, as shown in Annexure A to Mr Gimblett's evidence, further edits should be made to Policies 3C, 3G and 3L, Section 7 provisions 3.3.1.1 and 4.2, and Section 12 provision 3.

- 25 Water is obviously a critical resource required by the HEPS infrastructure, and that use is an existing lawful use of the water. Planning at this district level also needs to take into account the legal fact that the catchment affected by PC13 is already fully allocated to the owner of the Waitaki HEPS and other existing consent holders. *No assessment* (particularly under section 32), has been made of the actual and potential adverse effects on the HEPS infrastructure that would result from development of the nodes identified in PC13 for residential uses. The changes sought by Meridian are therefore particularly necessary.

#### **ISSUES WITH "NODES" IN IDENTIFIED LSAS**

- 26 PC13 proposes new residential development nodes within identified LSAs that are located in close proximity to the Waitaki HEPS infrastructure. The proposed nodes have a very real potential to adversely impact on the HEPS infrastructure in the Basin.
- 27 These impacts include actual constraints on Meridian's operations. For example, through affecting access to dam, canal and other areas for maintenance purposes; potentially restricting the ability to upgrade existing HEPS infrastructure; and affecting civil safety matters and the operation of spillways.
- 28 A key problem with PC13 is the complete absence of consideration of the appropriateness of proposed nodes in LSAs that are located in close proximity to HEPS infrastructure. This absence of consideration is a surprise given the critical importance of the Mackenzie Basin for renewable energy generation. It is also a further section 32 failing.
- 29 In any event, the LSAs which are of most concern to Meridian are LSAs M1-M4, M5, and M6- M8 (adopting the numbering from Attachment 1 to Meridian's original submission, a copy of which is included with both Mr Gimblett and Mr Connell's evidence, as the LSAs were otherwise un-numbered in PC13).



- 30 Meridian has undertaken a preliminary assessment of these LSAs, and the potential impacts that the development of new nodes within them may have on the Waitaki HEPS infrastructure. Meridian's concerns with the LSAs are described in more detail in the evidence of Mr Turner and Mr Connell but are essentially:
- 30.1 LSAs M1-M4 require amendment to provide appropriate setback from Lake Pukaki to address the potential long term effects of erosion.
  - 30.2 LSA M5 requires amendment to ensure that Meridian remains able to exercise its consents for the maximum allowed discharge from Lake Pukaki without derogation (in the sense of interfering with, diminishing or derogating from Meridian's entitlement under its consents), and to ensure the continued sustainable management of the HEPS which relies on Lake Pukaki and Meridian's management of outflow from that Lake.
  - 30.3 LSAs M6-M8 require amendment (in the case of M7, deletion in its entirety), as will be discussed in detail by Mr Connell. There is a very real likelihood that development of new nodes within parts of these LSAs would affect the Potential Impact Classification (*PIC*) of critical parts of the Waitaki HEPS (being the Tekapo Canal). While it may appear that such an impact would be one that is of consequence only to Meridian, in fact there are very real social, wellbeing and economic effects that need to be considered.

The amendments that are sought to these LSAs are shown in the attachments to the evidence of Mr Connell (Annexure 3) and Mr Gimblett (Annexure C).

***Impact on PIC for Tekapo Canal (LSAs M6-M8)***

- 31 An Increase in the PIC for an HEPS structure, such as the Tekapo Canal, has two main consequences:
- 31.1 Increased compliance, monitoring and surveillance requirements for that structure, and associated increases in ongoing costs.
  - 31.2 A change in the PIC assessment criteria against which that structure must be assessed - to a higher (or "stricter" / "more conservative") level, as further described in the evidence of Mr Connell. One potential result from this is the need to upgrade the structure to meet that stricter criteria.

- 32 While the first of these is not inconsequential, it is the second that raises a very real and significant sustainable management issue.
- 33 It is a relatively simple process for Meridian to design a new structure to meet the required PIC if it was to be constructed upstream of (or in close proximity to) existing residential development.
- 34 It is not such a simple matter however if increased development results in a higher PIC, and a need to alter, upgrade or retrofit an *existing structure*. Upgrades to existing infrastructure are complex and expensive undertakings. The evaluation process (against PIC assessment criteria) is itself a significant engineering undertaking, requiring specialist engineering input and costing hundreds of thousands of dollars. Should upgrading works be necessary it could require land purchase and expenditure by Meridian in the order of many hundreds of thousands of dollars per kilometre of canal affected.
- 35 If that circumstance arises, there would be a need to consider how best to balance, in a sustainable management sense:
- 35.1 Increased provision for residential development and subdivision within the Basin, in a manner which is aimed predominantly at avoiding adverse visual and landscape effects; and
- 35.2 The cost of the works needed to ensure the existing HEPS infrastructure continues to hold the required PIC given the existence of that development (this assumes that works are even able to be undertaken to achieve this). There would also be a need to take into account the 'costs' associated with any loss of potential to upgrade or improve that structure.
- 36 At present the Council does not have sufficient information, indeed any information, with which to assess how sustainable management might be achieved, and whether or not the value of the development of nodes within the affected areas of LSAs M6- M8 is "worth" the increased cost to the HEP resource (or worth the loss it may create in terms of lost ability to upgrade or improve that infrastructure).
- 37 The LSAs M6-M8 should therefore be amended as described in the evidence of Mr Connell and Mr Gimblett.

## **"OUTSTANDING LANDSCAPE" REFERENCES**

- 38 It is not clear what "outstanding landscape(s)" are sought to be protected under PC13, and the extent of that protection.
- 39 The RMA is quite specific in its direction in Part 2 (section 6) that the "protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development" is a matter of national importance that is to be recognised and provided for. Such high-level protection is not however afforded to other landscapes.
- 40 Further, the suggestion in Policy 3A (Recognition of Mackenzie Basin) as currently drafted, that the entire Mackenzie Basin is an ONL is simply not supported in fact, nor by the findings of the Densem Report or any other proper assessment. Indeed, later parts of the Explanation and Reason to that Policy record that the whole Basin is not "outstanding" (third bullet point).
- 41 Importantly, some key elements of the landscape of the Basin are also not in fact "natural", but rather are modified or man-made.
- 42 I refer here principally to the lakes within the Waitaki HEPS that are either modified (for example Lakes Tekapo and Pukaki) or man-made (Lakes Benmore and Ruataniwha). While these lakes exhibit elements of naturalness, and parts may exhibit ONL status, an overall description of ONL would not be appropriate. The Environment Court has recognised that there is "a spectrum of naturalness" and listed a number of "criteria of naturalness" which include:<sup>2</sup>
- 42.1 The physical landform and relief;
  - 42.2 The landscape being uncluttered by structures and/or obvious human influence;
  - 42.3 The presence of water (lakes, rivers, sea); and
  - 42.4 The vegetation (especially native vegetation) and other ecological patterns.

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<sup>2</sup> *Wakatipu Environmental Society Incorporated v Queenstown-Lakes District Council* [2000] NZRMA 59 at paragraph 89; see also *Scurr v Queenstown Lakes District Council* (C060/05, Judge McEirea, 29/4/2005).

- 43 Parts of a modified or man-made lake could potentially meet some or all of these characteristics and so sit somewhere within a spectrum of naturalness, but other parts are so obviously not natural that they could not be considered a "natural landscape" or "natural feature" at all. As an obvious example, it would be difficult to imagine those landscapes within which the dams themselves, spillways, large generation buildings and their curtilage dominate as being an ONL.
- 44 No consideration appears to have been given to this "natural" point in the Densem Report. It is therefore something of a leap to go from Mr Densem's finding that parts of the landscape of the Mackenzie Basin are "outstanding" in his opinion, to Policy 3A which seeks to describe the entire Basin as an ONL, a term which has special connotations and enjoys particular protection under the RMA.
- 45 The Densem Report also cannot lawfully be used as quasi-reference in PC13 for what is ONL/ONF within the Basin:
- 45.1 Firstly, because the Report itself does not actually refer to ONL or ONF but rather uses the more generic phrase "outstanding" or "outstanding landscape", and
- 45.2 Secondly, because a separate plan change process would be required to establish with any specificity the parts of the Basin that are ONL/ONF for the purposes of section 6.
- 46 For these reasons, Policy 3A needs to be amended as sought by Meridian so that it refers to protecting those parts of the Mackenzie Basin that are ONL (and which status can be assessed on a case-by-case basis).
- 47 Meridian also considers that, in order to avoid Policy 3A simply being a repetition of the RMA's requirements, it would be both useful and sound planning to provide some direction on how to assess what is "appropriate" subdivision, use and development in the context of Policy 3A. Meridian's recommended wording is included as Policy 3A(X).
- 48 Objectives 3A and 3B also require amendment, as further discussed in Mr Gimblett's evidence. Objective 3A (Outstanding Landscapes) requires amendment to delete the direction to "sustain" the ONL and ONF of the Basin, as this term is quite unclear and uncertain in its scope. (For example, does sustain mean "not change", or "only appropriately change"?). It would also assist for this Objective to describe, in the Explanation and Reasons, the modifications that the Waitaki HEPS has made to the landscape of the Basin, given the

importance of the HEPS and the obvious significance of the modification in a landscape context.

***Elevation of landscape and visual considerations***

- 49 Part 2 and section 32 of the RMA, when read together, do not allow for the creation of a District Plan presumption or direction that one or more aspects of Part 2 is elevated above others, without prior and careful assessment of the effects of that elevation.
- 50 PC13 currently has a general direction to protect the Mackenzie Basin's landscape from adverse effects, above consideration of other, perhaps countervailing considerations. Such countervailing matters might include positive social and economic effects, or the promotion of other section 6 and 7 matters, which would all be extremely relevant in the case of a future application relating to the HEPS.
- 51 See for example Objectives 3A (Outstanding Landscapes) and 3B (Landscape Values), where, as amended by the Planner's Report, the Explanation and Reasons refer to it being "appropriate that development, particularly in the ... Mackenzie Basin, has an overriding regard to the wider visual and landscape considerations...", and Policies 3D and 3O which have a similar flavour.
- 52 Section 6 matters, nationally important as they are, need to be recognised and provided for in the district planning process in conjunction with the many other considerations contemplated by the RMA. His Honour Judge Bollard has stated:<sup>3</sup>

It thus becomes a question of weighing all relevant matters and incorporating them within the plan's framework in order to produce a carefully analysed and well-balanced document for achieving the Act's purpose. This is not to say that individual aspects of sections in Part II of the Act that follow upon s.5 are bound to become submerged and lost sight of in the mix of the plan's ingredients. The sections subsequent to s.5 are designed more fully to inform and assist a body such as the Council in following through and applying Parliament's intent in achieving the Act's purpose for its district. Expressed in the reverse context, those sections are not intended to be applied as a series of competing considerations liable to undermine achievement of the purpose laid down in s.5.

- 53 While it is agreed entirely that it is of little value for PC13 or the District Plan to simply repeat the RMA verbatim, the point is that changes to Part 2 via District Plan provisions need to be very carefully considered, and need to themselves be made in accordance with

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<sup>3</sup> *Minister of Conservation v Western Bay of Plenty District Council* A071/01 at paragraph 30.

Part 2.<sup>4</sup> Sufficient work may have been done to elevate landscape and visual matters in respect of the assessment of residential and farming development within the Mackenzie Basin, but no such work has been done in respect of HEPS infrastructure.

- 54 No assessment has been made on the appropriateness of, or effects arising from, the significant amendment made to Part 2 of the RMA via PC13, with regards to the Waitaki HEPS and any future applications that might be made in respect of that Scheme. Larger applications relating to the Waitaki HEPS are likely to raise a number of Part 2 issues, and will need to be assessed under Part 2 very carefully. It cannot be said at this time that landscape and visual matters will trump all other Part 2 matters. Objectives 3A and 3B, and Policies 3D and 3O require amendment to address this issue.
- 55 The Proposed National Policy Statement for Renewable Electricity Generation has as its objective the recognition of the national significance of renewable electricity generation by promoting the upgrading, maintenance and operation of new and existing generation activities, in order to meet the 90% target by 2025. It also contains policies seeking to provide direction to the issues which I have just discussed, and which are of concern to Meridian in the context of PC13.
- 56 For example, Policy 1 of the Proposed NPS would require that decision-makers have particular regard to the national, regional and local benefits relevant to renewable electricity generation activities. Policy 2 of the Proposed NPS states:

When considering measures to avoid, remedy or mitigate the adverse environmental effects of renewable electricity generation activities, consent authorities must have particular regard to the constraints imposed on achieving those measures by:

- i. the nature and location of the renewable energy source
- ii. logistical or technical practicalities associated with developing, operating or maintaining the proposed renewable electricity generation activity
- iii. the nature and location of existing renewable electricity generation activities
- iv. the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the local electricity distribution network, and the national grid.

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<sup>4</sup> See the third step of the *Eldamos* tests, as set out in *Eldamos Investments Limited v Gisborne District Council* W047/05.

## **CONCLUSION**

- 57 While Meridian concurs with a number of the recommended amendments to PC13 as set out in the Planner's Report, Meridian submits that further amendments are required in order to:
- 57.1 Ensure that PC13 does not have unintended adverse effects on the sustainable management of the Waitaki HEPS; and to
  - 57.2 Appropriately recognise and provide for the Waitaki HEPS through the District Plan provisions.
- 58 By way of summary, Meridian therefore seeks the following changes to PC13:
- 58.1 The edits shown as blue tracked changes to the Planner's Report recommendations, attached to Mr Gimblett's evidence as Annexure A;
  - 58.2 In the event that the Planner's Report recommendations are not accepted (in whole or in part), then the edits and relief sought in Meridian's original and further submissions as relevant; and
  - 58.3 The amendments to the LSAs identified in Meridian's original submission (LSAs M1-M8), as shown on Annexure C to Mr Gimblett's evidence.

**Catherine Somerville**

