

---

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

*and*

*in the matter of:* the hearing of deferred Twizel 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*

---

Statement of evidence of Ken Gimblett on behalf of Meridian Energy Limited

---

Dated: 4<sup>th</sup> November 2008

## **Introduction**

1. My name is Ken Gimblett. I am a Director and Senior Resource Management Planner with the environmental consultancy firm Boffa Miskell Limited based in the firm's Christchurch office.
2. I hold the qualification of Bachelor of Regional Planning (Hons) and I am a member of the New Zealand Planning Institute. I have 20 years experience in planning and resource management, gained both in New Zealand and the UK. As a consultant I have provided advice on a broad range of developments and resource management issues to a range of clients, a number involving presenting evidence before Councils and the Environment Court. I have extensive experience of assisting with, and advising on, plan preparation under the Resource Management Act 1991 (RMA).
3. I have had significant involvement with undertaking environmental effects assessment and preparing consent applications in respect of Meridian Energy Limited's (Meridian's) Project Aqua proposal and the North Bank Tunnel concepts in the lower Waitaki Catchment. I have also advised Meridian in respect of various proposals to take and use water for irrigation in the Upper Waitaki and Mackenzie Basin, and in respect of the company's own hydro-electricity generation assets in that same area. Through this work in particular I have developed a comprehensive understanding of Meridian's electricity generation operations and am familiar with the operations of the energy industry generally in New Zealand.
4. In 2008 Boffa Miskell were asked to assist Meridian with preparing submissions and later, further submissions, to Proposed Plan Change 13 (Rural Zone – Mackenzie Basin) (PPC13) to the Mackenzie District Plan. I recently gave evidence in respect of those submissions to the hearings panel and I am authorised to present this further evidence on behalf of Meridian.
5. I confirm that I have read, and in giving this evidence agree to comply with, the Code of Conduct for Expert Witnesses (Consolidated Practice Note July 2006).

## **Background and Scope**

6. This evidence is in support of Meridian's deferred submissions<sup>1</sup> and further submissions to PPC13. Overall Meridian's submissions are supportive in part, and oppose in part, the provisions of PPC13. As noted above, myself and others representing Meridian have previously in September 2008 given evidence in support of those submissions to the hearings panel, and while this further evidence is specific to submissions only as they relate to areas surrounding Twizel, many of the sentiments in that earlier evidence remain applicable to that specific area.
7. Meridian's submissions describe in detail the reasons underlying those aspects of PPC13 that are supported and opposed, and those reasons were summarised in previous legal

---

<sup>1</sup> Note Meridian's submission was lodged in two parts – the first dated 10 April 2008, the second dated 11 April 2008.

submissions presented on behalf of Meridian by Ms Somerville. I therefore need not repeat those; suffice to say, Meridian continues to seek the amendments sought to the provisions of PPC13 as described in Meridian's submissions and as attached to previous evidence presented in September.

8. The matters raised at the previous hearing remain relevant to Meridian and a number are applicable to the area under scrutiny here. In particular, Meridian is concerned with the potential effects of subdivision and development in the area of land to the south-west of Twizel township and the interim management of this area.
9. I understand the basis to advancing with the consideration of the "Twizel" submissions to PPC13 at this stage is to enable decisions on that Plan Change as a whole to be made sooner and to avoid prolonged uncertainty for land owners regarding development potential of land within the wider Basin and on the margins of Twizel in particular. Alternatively, consideration of those submissions concerning Twizel would first await Council exercising its Intention of formulating and notifying a further Plan Change addressing growth options for the township, and then be considered in the context of that change and its eventual determination.
10. In the report on those particular submissions prepared for this continuation of the PPC13 hearing by Ms Harte, it is recommended that instead of the inclusion of land on the margins of Twizel within the Mackenzie Basin Subzone (as was originally notified and intended to act essentially as a holding position against further development), an area identified to the south and west be removed from that Subzone. In so doing, reliance would be placed on the Rural zoning as an interim measure pending any reconsideration necessary as part of the emergence of the envisaged Twizel plan change concerning growth options.
11. In effect, for that particular area, approved development rights under subdivisions already granted, or applied for that may be granted, could be exercised providing those owners with greater certainty of outcome. As reasoned by Ms Harte, it also better reflects the assessment of landscape values underpinning PPC13 which recognises this as an area already modified to a degree by rural residential/lifestyle development, and the improbability of achieving a nodal pattern of development, as originally envisaged for the Subzone areas.
12. Against that background, my evidence focuses on how matters raised in Meridian's Initial submissions continue to have relevance to the area south and west of Twizel, and in some respects potentially more so with the recommended removal of the Subzone and apparent likelihood of further development.

#### **The Twizel Boundary and its Relationship to the Sub-Zone**

13. In its submissions and further submissions Meridian noted its concerns with the extension of the Twizel boundary without a comprehensive appraisal of the options for growth of the township, and of how and in what form outward growth would be provided for. I share that concern and agree that any extension to the boundaries of Twizel township should only be considered and decided once a full evaluation of the potential effects of the boundary adjustment has been undertaken.

14. I accept that the "interim" measure recommended by Ms Harte fully anticipates such a review leading to a later Plan Change, but in reverting to the Rural zoning without the proposed Subzone's added control and protection, or something equivalent, the fundamental issues concerning a lack of adequate control over development of rural land that were behind the original decision to embark on PPC13 are not in any way addressed or overcome.
15. Meridian expressed concern that the expansion of the township boundaries could potentially impact on lawfully established infrastructure, including hydro infrastructure which in its submissions and in previous evidence, Meridian has argued is not currently given due recognition or consideration under PPC13. Infrastructure potentially affected in this location includes the potential impact classification ascribed to the Pukaki Canal (an issue which was discussed in the evidence of Mr Connell in the earlier hearing) and monitoring and surveillance equipment which is employed to gauge fault movement and seepage flows amongst other things. It should be noted that the utilisation of this equipment often requires a line of sight between survey points which can be impacted by development, while in the case of monitoring wells it is important that stormwater ponds are not created in close proximity to the equipment (as has been proposed for some subdivision developments). In addition, the prospect of development in this area creates uncertainty around the use of the canal roads and other roads owned by Meridian for access to new created properties.
16. A key thrust in the relief sought by Meridian was to see greater recognition given to the significance and importance of HEP infrastructure locally and nationally, and to have adequate recognition made of that throughout the provisions affected by PPC13. Those included matters such as reverse sensitivity effects, water availability for authorised users and reliability of supply, and the effectiveness of stormwater management.
17. The issues associated with existing residential development in the Mackenzie District have been identified, hence the Council's proposal to undertake a plan change. This is openly noted in the s.32 report which states that the successive subdivisions between Lake Ohau and the Ohau canal have created "*the real possibility of many of the adverse effects of ad hoc subdivision occurring*". The Council listed effects include servicing difficulties, lack of reticulated water supply to avoid issues of groundwater contamination from septic tanks, impacts on landscape, creation of a remote village, and natural hazard risks, and in previous evidence I and others have highlighted, the additional effects regarding the Waitaki HEP Scheme.
18. I wish to emphasise that the matters of concern to Meridian do not apply to existing, approved subdivisions, and it is accepted that there will be a degree of rural lifestyle type development in the area concerned consistent with exercising those authorised development rights. Meridian's key concern remains however with future development that might be approved and its implications were it to occur in those areas in proximity to HEP infrastructure and operating equipment. Even as an Interim measure pending possible further Plan Changes to manage growth, there is neither any particular certainty as to the timing of those changes, or their effect on development opportunity, or even whether they emerge at all.
19. The overriding concern is with land use in this area, its effects on the HEP values and the ability to operate components of the system effectively. As discussed in previous related evidence, policy recognition and the inclusion of various matters to be taken

into account in the assessment of development proposals within the District Plan do not adequately provide for, or include, consideration of HEP values. For submitters like Meridian the degree to which that might be improved even with the adoption of PPC13 is not yet known, and won't be until decisions emerge and any appeals are settled. In the absence of what would ideally at this time be a comprehensive review of future development potential around Twizel undertaken in association with PPC13, I urge the hearings panel to ensure that the interim situation does not jeopardise the operation of key infrastructural resources in this vicinity, and that adequate recognition is incorporated into the Plan even under a Rural zoning.

20. My concern is with potential problems associated with interim decision-making – the issues surrounding the effects of development on existing HEP values have been acknowledged in the hearing process – but the deferral and removal of the area south-west area of Twizel essentially excludes the south-west portion from a Subzone level of protection. In my opinion this will allow inadequately controlled development to continue, and may in fact encourage a 'gold rush' of development in the area as landowners anticipate a greater degree of restriction being imposed through the later plan change addressing growth more specifically. This is surely an unsatisfactory outcome, could lead to poor decision-making and ultimately complicate and delay notification of the Twizel Plan Change.

#### **Preferred Outcome**

21. I agree with Ms Harte that some of the issues in the Twizel area merit a different planning approach to other areas of the Basin, due to the different values associated with those areas (although not necessarily of a lesser value). The subzone approach is essentially focussed on outstanding landscape value protection and sits uncomfortably with areas such as this that are, in part anyway, already largely modified by development. The outstanding issue is therefore how to reconcile these differences in the interim in the process of land use planning.
22. I consider Meridian's concern with the amendments to be justified given the uncertainty regarding when the Twizel Plan Change might emerge and the implications of the recommendations of Ms Harte in relying on the Rural zoning as interim protection against the adverse effects of rural residential/lifestyle development. It is not clear when that Plan Change will be notified, and what it may or may not address, nor what extent of further development rights might be sought by anxious landowners in the meantime.
23. In my view, the most appropriate approach would be to undertake the comprehensive review of the Twizel surroundings in combination with PPC13, but accepting that that approach is unlikely, ensure adequate recognition is given to addressing effects on important infrastructure in whatever approach is applied, until such time as subsequent and independent Plan Changes combine to complete that review comprehensively.

Ken Gimblett

4<sup>th</sup> November 2008