

Under the Resource Management Act 1991 (**RMA**)

In the hearing of submissions and further submissions by Meridian Energy Limited on proposed Plan Changes 28 – 30 to the Mackenzie District Plan

Meridian Energy Limited

Submitter

Mackenzie District Council

Territorial Authority

Memorandum of Counsel on behalf of Meridian Energy Limited

6 June 2025

BACKGROUND

1. At the hearing in relation to submissions on proposed plan changes 28 to 30 (**PC28** and **PC30**) to the Mackenzie District Plan (the **Plan**), the Panel requested that:
 - a. The consultant planners for Mackenzie District Council, Genesis Energy Limited and Meridian Energy Limited confer as to a revised HI-R1; and
 - b. Meridian provide a summary of the key points addressed in an agreement with owners of several properties at Lyford Lane.

REVISED HI-R1

2. The consultant planners have conferred on revised form of HI-R1 that is more workable and certain, and have prepared a Joint Witness Statement (**JWS**) dated 6 June 2025. The JWS is appended to this memorandum as **Appendix A**.

AGREEMENT WITH THE OWNERS OF FIVE LYFORD LANE SITES

3. After consulting with the parties involved as to confidentiality, we can confirm that an agreement has recently been reached between Meridian and the owners of five properties at Lyford Lane (the **Agreement**).
4. These property owners are submitters on Meridian's application for replacement consents for the continued operation of the Waitaki Power Scheme, which is being heard by the Environment Court in November.
5. The Agreement was arrived at as a result of recent pre-hearing mediation on the Waitaki Power Scheme reconsenting. The Agreement records that, in relation to the development of these five Lyford Lane properties, Meridian agrees not to oppose residential development which is at a scale that is consistent with a "typical single family unit residential development". The parties have agreed that:

- a. this type of development may include more than one structure on a property (i.e. minor dwellings);
 - b. some or all of this development may be used from time to time to accommodate paying or non-paying guests (including through Airbnb or similar); and
 - c. district land use consents and regional consents relating to groundwater supply and wastewater discharge are intended to be covered by the Agreement.
- 6. With the exception of the use of these properties for paying guests (i.e. “Residential Visitor Accommodation” as defined in the Plan), the scale and use of the development covered by the Agreement is intended to align with what is permitted under the proposed PC28 framework for areas in this zone which are within the Hydro Inundation Hazard Overlay. That is, a residential unit per site in the Rural Lifestyle Zone within the Hydro Inundation Hazard Overlay would be a permitted activity under rule HI-R2.
- 7. In relation to Residential Visitor Accommodation, Meridian has agreed not to submit in opposition to applications for resource consent made by the parties to the Agreement. Nonetheless, Meridian continues to consider that non-complying activity status is appropriate in this zone given the inundation hazard and potential for reverse sensitivity effects on the Waitaki Power Scheme. The Agreement reflects a position reached between Meridian and five landowners through mediation, and should not be taken as evidence that Meridian supports Visitor Accommodation in principle.
- 8. It would remain the Council’s role as decision maker to determine the appropriateness of Visitor Accommodation on these properties on a case-by-case basis, based on the Plan framework. Consents required to provide services to a development (such as a groundwater take or wastewater discharge, as mentioned above) would be subject to the same approach.

9. Should the scale of a proposed development or activity exceed a scale that is consistent with a typical single family unit residential development, the Agreement would not restrict Meridian from submitting in opposition.



Eleanor Taffs

Counsel for Meridian Energy Ltd

APPENDIX A
JOINT WITNESS STATEMENT (PLANNING) DATED 6 JUNE 2025