## FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 20 TO THE MACKENZIE DISTRICT PLAN UNDER THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

**To:** Proposed Plan Change 20 to the Mackenzie District Plan

Mackenzie District Council

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Meridian Energy Limited (**Meridian**) makes the specific further submissions on the Proposed Plan Change 20 to the Mackenzie District Plan (**PC20**) that are set out in the attached document.

Meridian would like to be heard in support of its submissions.

In accordance with Clause 8(1)(b) of the First schedule of the Resource Management Act 1991 (the Act), Meridian has an interest in PC20 that is greater than the interest of the general public.

Meridian could not gain an advantage in trade competition through this submission.

If other persons make a similar submission, then Meridian would consider presenting joint evidence at the time of the hearing.

At the same time as providing these further submissions, Meridian notes that the Summary of Submissions document prepared by the Mackenzie District Council incorrectly records Meridian's submission relating to UFD-O1(6) as follows:

	kenzie District Council's Summary of missions	Meridian's Relief Sought in its Submission		
UFD	– O1 Urban Form and Development	Urban Form and Development		
1.	is integrated into, and respects the values of the surrounding natural and physical environment;	The District's townships and settlements grow and develop in a consolidated way that:  1. is integrated into, and respects the values		
2.	achieves good connectivity with other parts of the urban area;	of the surrounding natural and physical environment;		
3.	is supported by appropriate infrastructure;	2. achieves good connectivity with other parts of the urban area;		
		3. is supported by appropriate infrastructure;		

- 4. maintains the character of each township, and its attractiveness to residents, businesses and visitors; and
- 5. responds to the needs of the community, including diversity in housing and business opportunities; and
- 6. protects significant infrastructure and activities in the District from reverse sensitivity effects.
- 4. maintains the character of each township, and its attractiveness to residents, businesses and visitors; and
- 5. responds to the needs of the community, including diversity in housing and business opportunities.; and
- 6. protects significant infrastructure and associated activities from reverse sensitivity effects

Meridian continues to seek the relief sought for UFD-O1 that is set out in their submission.

**Erin Whooley** 

For and on behalf of Meridian Energy Limited

Dated this 3<sup>rd</sup> day of October 2022

## FURTHER SUBMISSIONS OF MERIDIAN ON THE PROPOSED PLAN CHANGE 20 TO THE MACKENZIE DISTRICT PLAN

SUBMITTER NUMBER	SUBMITTER	PLAN PROVISION	SUPPORT OR OPPOSE	REASONS
5	Royal Forest and Bird Protection Society of New Zealand	Strategic Direction, Introduction	Oppose	The submitter seeks deletion of the last paragraph of the Strategic Direction, Introduction, and in its place insertion of the following:  "For the purpose of plan implementation (including in the determination of resource consent application and notices of requirement):  a. The strategic objectives in this chapter may provide quidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues;  b. The relevant objective and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them."  Meridian opposes this submission.  The National Planning Standard states that the strategic objectives are to "guide decision making at a strategic level". The changes proposed by the submitter stray from this and introduce constraints on the relationship between provisions in parts of the plan that have not yet been notified. On this basis, Meridian opposes the submission and considers that the notified version of the last paragraph in the Strategic Direction Introduction is more consistent with the National Planning Standard.
5	Royal Forest and Bird Protection Society of New Zealand	Chapter: NE – Natural Environment, Introduction	Oppose	The submitter seeks insertion of the following new paragraph into the introduction of Chapter: NE – Natural Environment:  "It is important to maintain indigenous biodiversity that may not of itself be significant. The Mackenzie's biodiversity in general contributes to the

5	Royal Forest and Bird Protection Society of New Zealand	NE-O1 and submitter's proposed new NE-O2	Oppose	District's social and cultural well-being. A failure to protect or maintain indigenous biodiversity could adversely affect the community's environment, social, cultural and economic well-being."  Meridian agrees that it is important to maintain the indigenous biodiversity within the district and that there is merit in enhancing indigenous biodiversity in some circumstances, however Meridian does not agree that all indigenous flora and fauna needs to be protected to achieve this outcome.  While the submitter's new paragraph does not go as far as stating that 'all indigenous flora and fauna needs to be protected', it could be read as encouraging this, particularly when read in conjunction with the new NE-O2 that is sought by the submitter.  Meridian considers that the notified version of the introduction to Chapter: NE — Natural Environment is more appropriate than the insertion sought by the submitter.  The submitter has sought to amend NE-O1 by deleting the list that follows the chapeau of the objective and has sought adoption of a new NE-O2.  Meridian opposes the changes sought to NE-O1 and opposes adoption of the new NE-O2.  Meridian considers that the focus of the notified version of NE-O1 is appropriate as
				a strategic objective. As notified NE-O1 aims to ensure that the values of the natural environment that are important to the district are recognised and provided for, and where appropriate they are protected and enhanced.
				The objectives, policies, and rules in other sections of the reviewed Mackenzie District Plan, that are yet to be notified, can then direct when it is appropriate for such values to be protected or enhanced.
7	Genesis Energy Limited	Chapter ATC – A	Support	Meridian supports all the submissions made by Genesis Energy Ltd.
		Thriving Community, Introduction		To assist Mackenzie District Council, Meridian and Genesis have worked together in reviewing PC20 and identifying agreed changes to PC20.

		ATC-O4		
		UFD-O1		
8	Enviro Waste Services Ltd	ATC-O3	Support in part	The submitter seeks insertion of the following to ATC-O3:  "Regionally significant infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development."  Meridian agrees that in many instances, regionally significant infrastructure require protection from reverse sensitivity to ensure their ongoing operation and to meet the needs of the community. Meridian also considers that nationally significant infrastructure should be provided the same protection.  On this basis, Meridian supports insertion of the following to ATC-O3:  "Regionally and nationally significant infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development."
9	Opuha Water Limited	Chapter: ATC – A Thriving Community, Introduction	Support	The submitter has sought the following changes to the Introduction section of Chapter: ATC – A Thriving Community:  "There is a range of locally, regionally and nationally important infrastructure located within the District. Infrastructure is necessary to support the functioning of the community, both within and beyond the District, but its establishment and operation can have adverse effects. While needing to appropriately manage its effects, the continued ability for this infrastructure to operate, be maintained and upgraded, as well as development of new infrastructure is important to the well-being of the community of the Mackenzie District, the Canterbury Region and nationally."  Meridian supports inclusion of the words "be maintained and upgraded". Such activities are fundamental to ensuring effective and efficient operation of infrastructure; and with respect to renewable electricity generation, such activities are essential for protecting the generation capacity and output of such schemes.

				Meridian considers that inclusion of the words "be maintained and upgraded" makes the paragraph clearer and more complete.  On this basis, Meridian supports the insertion sought by the submitter.
9	Opuha Water Limited	MW-O2	Support in part	On this basis, Meridian supports the insertion sought by the submitter.  The submitter has sought the following changes to MW-O2:  "Mana whenua are able to:  1. be actively involved in decision making that affects their values and interests;  2. exercise their kaitiakitaka responsibilities; and  3. carry out customary activities in accordance with tikanga where reasonably practicable."  The submitter has noted that there may be some situations where carrying out customary activities may not be appropriate for health and safety reasons associated with existing infrastructure. Meridian agrees that such situations are likely, and therefore that MW-O2 should be amended to reflect this. Meridian also agrees with the submitter that new zone provisions for the Mackenzie District Plan, that are yet to be notified, will provide greater direction to such activities in more specific circumstances.  While Meridian agrees with the submitters reasons for the changes sought, Meridian does not agree with the actual changes sought. Meridian considers that the 'qualifier' should not be "where reasonably practicable" because this phrase holds a particular meaning in case law that relates to being technically feasible while also being of a reasonable cost relative to the effect being manged. Rather, Meridian prefers adoption of "where appropriate". Meridian accepts that "where appropriate" lacks specificity but considers that more specific direction on when 'carrying-out customary activities' may not be appropriate will be identified in the
				more detailed provisions of the plan.  On this basis, Meridian supports the following changes to MW-O2:  "Mana whenua are able to:

				<ol> <li>be actively involved in decision making that affects their values and interests;</li> <li>exercise their kaitiakitaka responsibilities; and</li> <li>carry out customary activities in accordance with tikanga where appropriate."</li> </ol>
10	Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Limited	NE-O1	Oppose	The submitter has sought the following changes to the chapeau of NE-O1:  "The values of the natural environment that make the District unique, contribute to its character, identity and wellbeing, and have significant intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes values associated with These associated values are:"  Meridian opposes this amendment on the basis that the list that follows this sentence does not in itself identify values, rather it identifies features within the district to which values can be attributed. Meridian considers that the notified approach to NE-O1 is appropriate, particularly as more specific objectives will follow in later plan changes for specific chapters of the Mackenzie District Plan.  Meridian considers that the amendment sought by the submitter makes NE-O1 less clear.  On this basis, Meridian opposes the changes sought by the submitter.
14	Canterbury Regional Council	Part 1, Section: How the District Plan Works, Chapter: Cross Boundary Matters	Support	The submitter states, at paragraph 8 of their submission, that:  "Environment Canterbury considers that the Cross Boundary Matters chapter should focus on collaboration (as opposed to consultation) and should provide greater detail as to the process of collaboration and the tools that could be used, having regard to the matters outlined in Section 3.1 of the CRPS".  With this, the submitter requests, at paragraph 11 of their submission, that the Cross Boundary Matters chapter be amended to:

				"specifically refer to collaboration on common resource management issues as required under Section 18A of the RMA and consider processes for collaboration and the matters under Section 3.1 of the CRPS."  Section 18A(c) of the Act requires that:  "Every person exercising powers and performing functions under this Act must take all practicable steps to promote collaboration between or among local authorities on their common resource management issues".  On this basis, Meridian supports the submitters request at paragraph 11 of their submission.
14	Canterbury Regional Council	ATC-O1	Oppose in part	The submitter states, at paragraph 17 of their submission, that:  "The maintenance and enhancement of public access to lakes and rivers is an important component of Section 6 of the RMA and Policy 10.3.5 of the CRPS. Public access is also a relevant issue to the Mackenzie District given its extensive area of lakes and rivers and the high public use of the district for recreation activities. Public access could either be addressed in ATC-O1 or by a separate strategic objective. Either way, it is important that the strategic directions acknowledge the national importance of maintaining and enhancing public access so that this can be addressed in an integrated manner across the PDP."
				Meridian accepts that public access to and along the coastal marine area, lakes, and rivers is a matter of national importance that must be provided for under s6 of the Act, and that Policy 10.3.5 of the Canterbury Regional Policy Statement (CRPS) seeks to promote the maintenance and enhancement of public and Ngāi Tahu access to and along the beds of rivers and lakes, and to ensure that subdivision use and development does not result in inappropriate loss of existing access.  However, Meridian also notes that Policy 10.3.5 of the CRPS promotes such access
				subject to several conditions, including (amongst others),  "1. protecting public health and safety, and avoiding conflict between different types of access;

				4. protecting the stability, performance and operation of essential structures in, on, under or over the beds;
				6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of river or lake beds and adjacent land, or of the owners/operators of infrastructure in, on, under or over the bed"
				On this basis, if public access is added to ATC-O1 or is addressed by a new separate strategic objective (as sought by the submitter), Meridian considers that the objective should be clear that the same conditions as are set in Policy 10.3.5 of the CRPS apply.
14	Canterbury Regional Council	ATC-O1	Oppose	The submitter has sought, at paragraph 22, that ATC-O1 (2) be amended as follows:  "activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for while ensuring adverse environmental effects are managed appropriately; and"
				At the same paragraph, the submitter proposes an alternative to the preceding amendment, with the alternative being a new Strategic Objective that reads:
				"Avoid significant adverse effects on the environment and avoid, remedy or mitigate other adverse effects."
				Meridian accepts that the potential adverse effects of activities need to be appropriately managed. However, Meridian considers that the focus of the notified version of ATC-O1 is appropriate as a strategic objective. As notified ATC-O1 aims to ensure that the district is a desirable place to live, work, play and visit, and identifies high level components that are needed to achieve the objective.
				The management of potential adverse effects of an activity is fundamental to the requirements of the Resource Management Act 1991, and the detailed objectives, policies and rules that follow the strategic objectives (and are yet to be notified) will need to address the management of potential adverse effects. Meridian considers that separation of strategic direction setting objectives from the detail of effects

				management is appropriate in PC20, and notes that there will be opportunity to submit on the later parts of the plan review to ensure sound management of potential adverse effects.  Meridian also opposes the submitter's proposed new Strategic Objective since it is not consistent with Policy C2 of the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) which states that:
				"When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected."
14	Canterbury Regional Council	ATC-O2	Oppose	The submitter has sought that the notified version of ATC-O2 be deleted and that it be replaced with the following:  "The natural and physical resources of rural areas that contribute to the wellbeing of the district are maintained and enhanced."  Meridian has an interest in this objective since the "natural and physical resources of rural areas" are broader than those used for primary production and can include those used for renewable electricity generation purposes.  Meridian opposes the change sought by the submitter. In the submitter's explanation for the change sought (at their paragraph 24), the submitter refers to the CRPS's Policy 5.3.12. Policy 5.3.12 seeks to "maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production". This is a narrower focus than is proposed in ATC-O2. ATC-O2 seeks to recognise the contribution of activities in the rural area to the well-being of the district as a whole. Such activities can include primary production activities but can also include renewable electricity generation activities (amongst other activities). Meridian supports retaining the broader focus of ATC-O2 as notified.

				Meridian also opposes inserting "while ensuring adverse environmental effects from such activities are managed appropriately" into ATC-O2. As previously stated, the detailed objectives, policies and rules that follow the strategic objectives (and are yet to be notified) will need to address the management of potential adverse effects. Meridian considers that separation of strategic direction setting objectives from the detail of effects management is appropriate in PC20, and notes that there will be opportunity to submit on the later parts of the plan review to ensure sound management of potential adverse effects.
14	Canterbury Regional Council	ATC-O3	Support in part	The submitter states, at paragraph 30 of their submission, that:  "It is also noted that CRPS Chapter 5 contains several provisions that seek to protect regionally significant infrastructure from the adverse effects of other activities and development. This is an important component of the management of these strategic assets that needs to be recognised and provided for in an integrated manner across the PDP. Accordingly, Environment Canterbury requests that ATC-O3 is amended to make it clear that the adverse effects of other activities and development on significant infrastructure is managed appropriately."
				The submitter requests that ATC-O3 be replaced with either of the following:  "The importance of regionally significant infrastructure is recognised and provided for without major constraints from other activities, while managing its adverse effects."  or  "Regionally significant infrastructure is provided for without major constraints from other activities, while managing its adverse effects."  Meridian agrees with the submitter's paragraph 30 and supports adoption of the phrase "without major constraints from other activities" in ATC-O3.
14	Canterbury Regional Council	ATC-O3	Oppose in part	The submitter requests that ATC-O3 be replaced with either of the following:

				"The importance of regionally significant infrastructure is recognised and provided for without major constraints from other activities, while managing its adverse effects."  or  "Regionally significant infrastructure is provided for without major constraints from other activities, while managing its adverse effects."  As previously stated, the detailed objectives, policies and rules that follow the strategic objectives (and are yet to be notified) will need to address the management of potential adverse effects. Meridian considers that separation of strategic direction setting objectives from the detail of effects management is appropriate in PC20, and notes that there will be opportunity to submit on the later parts of the plan review to ensure sound management of potential adverse effects.  On this basis, Meridian opposes inclusion of the words "while managing its adverse effects" in ATC-O3.
14	Canterbury Regional Council	ATC-O4	Oppose in part	<ul> <li>The submitter seeks to make changes to ATC-O4 to ensure the following:         <ul> <li>a) Adverse effects arising from renewable electricity generation activities are appropriately managed; and</li> <li>b) The effects of other activities on renewable electricity generation activities are appropriately managed.</li> </ul> </li> </ul>
				At the same time, the submitter considers that there is duplication between ATC-O3 and ATC-O4 and that ATC-O4 could be deleted.
				Meridian does not agree that ATC-O4 could be deleted. Renewable electricity generation activities are recognised through the NPSREG as being of national significance, and the NPSREG establishes a different framework for the management of such activities than is provided to other infrastructure. For this reason, and the importance of the Waitaki Power Scheme within the district, Meridian opposes the deletion of ATC-O4 and instead supports retaining a standalone objective for

				As previously stated, the detailed objectives, policies and rules that follow the strategic objectives (and are yet to be notified) will need to address the management of potential adverse effects. Meridian considers that separation of strategic direction setting objectives from the detail of effects management is appropriate in PC20, and notes that there will be opportunity to submit on the later parts of the plan review to ensure sound management of potential adverse effects. On this basis, Meridian opposes inclusion of the words "while managing their adverse effects" in ATC-O4.
14	Canterbury Regional Council	ATC-O6	Support in part	The submitter seeks insertion of a new ATC-O6 as follows:  "ATC- O6 Natural hazard risks are addressed so that:  1. areas subject to natural hazard risk are identified;  2. development is avoided in areas where the risks of natural hazards to people, property and critical infrastructure are assessed as being unacceptable; and  3. for other areas, natural hazard risks are appropriately mitigated."  Meridian supports identification of areas that are subject to natural hazard risks. However, with respect to subparts 2 and 3 of the submitter's ATC-O6, Meridian notes that some renewable electricity generation activities (and other infrastructure) may at times have a technical, functional or operational need to be located in an area that is subject to natural hazard risks. In many instances such infrastructure can be designed to safely function despite the natural hazard. Meridian considers that such activities should be provided for subject to the natural hazard risks being appropriately avoided, remedied or mitigated.  On this basis, Meridian supports the following wording for ATC-O6 (or words of similar effect):  "ATC- O6 Natural hazard risks are addressed so that:  1. areas subject to natural hazard risk are identified;

				2. development within areas subject to natural hazard risks are managed so that natural hazard risks on people, property and infrastructure are avoided, remedied or mitigated."
14	Canterbury Regional Council	NE-O1	Support in part	The submitter has requested the following changes to the chapeau of the NE-O1  "The important values of the natural and historic environment, including those that make the District unique, contribute to its character, identity and wellbeing, and have significant intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes values associated with:"
				Meridian agrees that it is the 'important' values that need to be recognised, provided for, and where appropriate protected or enhanced, and therefore supports this part of the relief sought by the submitter.
				Meridian also supports deletion of the reference to significant intrinsic values as the inclusion of this reference makes the objective unclear.
14	Canterbury Regional Council	NE-O1	Oppose in part	The submitter has requested the following changes to the chapeau of the NE-O1  "The important values of the natural and historic environment, including those that make the District unique, contribute to its character, identity and wellbeing, and have significant intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes values associated with:"
				Meridian notes that where an important value warrants protection, it does not necessarily also warrant enhancement. On this basis, Meridian considers that a further change is needed in the chapeau as follows:
				"and where appropriate protected and or enhanced"
14	Canterbury Regional Council	UFD-O1	Support	The submitter has requested that subpart 3 of UFD-O1 be amended as follows:

				"is integrated with the efficient and effective provision of is supported by appropriate infrastructure;"  Meridian supports this change as it recognises the importance of effective and efficient infrastructure and that in some cases such infrastructure will be within township and settlement areas. Successful integration is important for both urban form and function outcomes.
16	Director-General of Conservation	ATC-O4	Oppose	The submitter refers to supporting ATC-O4 "in regards to community resilience and climate change" and seeks that it be retained as notified.  Meridian considers that it is possible the submitter has referred to ATC-O4 in error and may have meant to refer ATC-O5.  If this is not the case, and if the submitter sought to retain ATC-O4 as notified, Meridian opposes the submission. Rather, as set out in Meridian's submission of the 9 <sup>th</sup> of September 2022, Meridian considers that ATC-O4 does not go far enough in terms of recognising the national significance of the Waitaki Power Scheme and the need to protect the generation capacity and output of the Scheme.  Meridian's submission of the 9 <sup>th</sup> of September 2022 seeks the deletion of ATC-O4 and adoption of a new ATC-O4.  On this basis, Meridian opposes the retention of ATC-O4 as notified.

## **Address List for Further Submissions**

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