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*in the matter of:* the Resource Management Act 1991

*and*

*in the matter of:* a number of applications to take water from the Upper Waitaki Catchment

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Memorandum by counsel for Meridian Energy Limited

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Dated: 19 October 2010

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**MEMORANDUM BY COUNSEL FOR MERIDIAN ENERGY LIMITED**

May it please the Commissioners:

**Review of conditions**

- 1 This memorandum provides a response to the Commissioners' 25<sup>th</sup> Minute and the request for an update as to when the Commissioners might receive completed condition sets for all applicants.
- 2 In response, Meridian Energy Limited (*Meridian*) can advise that:
  - 2.1 Meridian has participated fully in the review process to date and has generally aimed to review all condition sets within a period of two weeks from the date of receipt of the Officer's comments; and
  - 2.2 although Meridian has now received and reviewed a large number of condition sets, it is yet to receive all final condition sets or a firm indication from the relevant applicants as to when those conditions might be provided.
- 3 For the remaining condition sets, Meridian and its advisors (as we expect is the case with almost all counsel and consultants) are currently heavily involved in reviewing the decisions on the Natural Resources Regional Plan (*NRRP*). We anticipate being able to review all remaining condition sets within 2 weeks of the close of the appeals on that Plan (assuming that all condition sets have been provided by that time).
- 4 Meridian is not aware of any other reasons for the delays to date.
- 5 Going forward, particularly given the inherent limitations of providing comments within a table, we also think that it would assist the Commissioners if the key parties were each to provide a memorandum outlining the areas of general agreement and further detail on their key areas of remaining concern.
- 6 At the moment the full reasoning behind each area of disagreement is not fully articulated in tabular form. Many of the existing comments are also shared by all, or almost all, other upper Waitaki applications – a single reference document might therefore assist in presenting the overall position of each party to the Commissioners.

- 7 This memorandum can be provided at the same time as comments on the final set of conditions (so there will be no further delay to the existing process).

**Decisions on the NRRP**

- 8 Given the pending notification of the decisions on the NRRP, Counsel also takes this opportunity to query with the Commissioners how they propose to address what seem to be quite extensive amendments to the NRRP.
- 9 Although it would seem that under section 88A the activity status of all applications will remain the same, the changes to the wider planning framework will almost inevitably be relevant to the determination of all applications in the upper Waitaki catchment.
- 10 It might be that the Council Officers can offer some assistance to determining the extent of the notified changes?
- 11 In the interim, and at least until such time as Meridian itself has had adequate time to review the notified plan, Meridian would like to reserve its position on the hearing being reconvened to allow the parties to address the Commissioners on the extent and implications of the notified plan.
- 12 Meridian would also like to the opportunity to review and comment on any advice that might be received from the Council Officers.

Dated: 19 October 2010



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JM Appleyard/BG Williams  
Counsel for Meridian Energy Limited