

In the Environment Court of New Zealand
Christchurch Registry

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

In the matter of Appeals under clause 14(1) of the First Schedule of the Act in relation to the Proposed Southland Water and Land Plan

Between **Transpower New Zealand Limited** (ENV-2018-CHC-26)
...and the other parties listed on page 3
Appellants

And **Southland Regional Council**
Respondent

Memorandum of Counsel for Meridian Energy Limited

26 September 2018

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May it please the Court

- 1 This memorandum responds to the memorandum filed by the Respondent dated 19 September 2018 (**Council Memorandum**) as provided for in the Court's direction dated 12 September 2018 at paragraph [35](c) of the Record of the Pre-Hearing Conference held on 12 September 2018.

Topic A – Relevant Provisions and Parties

- 2 Meridian Energy Limited (**Meridian**) has considered the topics set out in Appendix A of the Council Memorandum. In relation to Topic A2 Objectives, Meridian is noted as a section 274 party in relation to Objective 13, but not Objective 13A and 13B. Meridian's section 274 notice on the appeal by Te Runanga o Ngai Tahu and others (ENV-2018-CHC-47) includes reference to Meridian's interest in the appeal on Objectives 13A and 13B as well as Objective 13¹
- 3 Meridian agrees with the suggestion at paragraph 5 of the Council Memorandum that it is better for Policies 15A and 15B, and related Appendix E, to be considered as part of Topic B rather than as part of Topic A2.
- 4 Meridian notes the comment at paragraph 8 of the Council Memorandum that there are no appeals directly challenging the Issues and Physiographic Zones discussion at pages 15-22 of the pSWLP. Appendix A of the Council Memorandum includes Topic A1 Issues, and lists three appeals (Alliance Group Ltd, Fish & Game, and Ngai Tahu) as containing challenges to these matters as part of their appeals on particular provisions. Meridian makes the following observations:
 - (a) It is unclear what particular provisions challenged in the three appeals are being referred to, and Meridian is therefore unable to determine whether it is a party to these provisions by virtue of its section 274 notices on each of the three appeals. Meridian would therefore appreciate further clarification as to what particular appeal points are being advanced by the Respondent as giving rise to challenges to the discussion at pages 15-22 of the pSWLP.
 - (b) Given that no appeals directly challenge the text at pages 15-22 of the pSWLP it is unclear why any alteration to that text would not be more efficiently dealt with by way of consequential amendment when appeals


¹ Meridian section 274 notice on ENV-2018-CHC-47 at paragraph 4(g)

on particular provisions are determined. Indeed, it is hard to see how the Court can usefully hold a hearing into possible changes to the wording of these introductory statements in the pSWLP without first considering the provisions that are being directly challenged by the various appellants, and which supposedly give rise to the need to change some of these introductory words.

Proposed Evidence Timetable

- 5 Meridian understands the point made at paragraphs 12 and 13 of the Council Memorandum as to the sequencing of rebuttal evidence from section 274 parties, and consequently the proposal for an extra step in the exchange sequence contained in the Respondent's Alternative Timetable. Meridian will abide the Court's decision on an appropriate exchange timetable.

Dated 26 September 2018



Stephen Christensen
Counsel for Meridian Energy Limited

Appellants

- ENV-2018-CHC-27 Fonterra Co-Operative Ltd
ENV-2018-CHC-28 Horticulture New Zealand
ENV-2018-CHC-29 Aratiatia Livestock Ltd
ENV-2018-CHC-30 Wilkins Farming Co
ENV-2018-CHC-31 Gore and Southland District Councils, Invercargill City Council
ENV-2018-CHC-32 DairyNZ Ltd
ENV-2018-CHC-33 H W Richardson Group Ltd
ENV-2018-CHC-34 and 35 Beef + Lamb New Zealand
ENV-2018-CHC-36 Director-General of Conservation

ENV-2018-CHC-37 Southland Fish & Game Council

ENV-2018-CHC-38 Meridian Energy Ltd

ENV-2018-CHC-39 Alliance Group Ltd

ENV-2018-CHC-40 Federated Farmers of New Zealand

ENV-2018-CHC-41 Heritage New Zealand Pohere Taonga

ENV-2018-CHC-42 Stoney Creek Station Ltd

ENV-2018-CHC-43 The Terraces Ltd

ENV-2018-CHC-44 Campbell's Block Ltd

ENV-2018-CHC-45 Robert Grant

ENV-2018-CHC-46 Southwood Export Ltd, Southland Plantation Forest Company of NZ

ENV-2018-CHC-47 Te Runanga o Ngai Tahu, Hokonui Runaka, Waihopai Runaka, Te Runanga o Awarua and Te Runanga o Oraka Aparima

ENV-2018-CHC-48 Peter Chartres

ENV-2018-CHC-49 Rayonier New Zealand Ltd

ENV-2018-CHC-50 Royal Forest and Bird Protection Society of NZ Inc