

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER of appeals under clause 14 of the First
Schedule to the Act
BETWEEN **ARATIATIA LIVESTOCK LIMITED**
(ENV-2018-CHC-29)
MERIDIAN ENERGY LIMITED
(ENV-2018-CHC-38)
WAIHOPAI RŪNAKA, HOKONUI RŪNAKA, TE
RŪNANGA O AWARUA, TE RŪNANGA O ORAKA
APARIMA, and TE RŪNANGA O NGĀI TAHU
(collectively NGĀI TAHU)
(ENV-2018-CHC-47)
ROYAL FOREST & BIRD PROTECTION
SOCIETY OF NZ INC
(ENV-2018-CHC-50)
Appellants

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

MEMORANDUM ON BEHALF OF THE ROYAL FOREST AND BIRD PROTECTION
SOCIETY
OF NEW ZEALAND INC
31 October 2022

INTRODUCTION

1. This memorandum of counsel is filed on behalf of the Royal Forest & Bird Protection Society Inc in response to the Court's minute dated 27 October 2022.
2. The version of Tranche 3 provisions the Royal Forest & Bird Protection Society Inc intends to pursue are attached as Appendix A.



May Downing
Counsel for Royal Forest & Bird Protection Society Inc

31 October 2022

Appendix A

Policy 26 – Renewable energy

Recognise and provide for:

1. the national and regional significance of renewable electricity generation activities including the practical constraints associated with its development, operation, maintenance and upgrading and the benefits of renewable electricity generation activities; and
2. the national and regional significance **and including** the benefits of renewable electricity generation activities (including the existing Manapōuri hydro-electric generation scheme in the Waiau catchment), ~~the national, regional and local benefits of renewable electricity generation activities, the need to locate the generation activity where the renewable energy resource is available, and including~~ the practical constraints associated with its development, operation, maintenance and upgrading, when:
 - a. allocating surface water for abstraction, damming, diversion and use; and
 - b. considering all resource consent applications for surface water abstractions, damming, diversion and use; and

while:

 - (1) Safeguarding the mauri and providing for the ecosystem health of the Waiau River, and;
 - (2) reversing or reducing degradation of the Waiau River as a result of the Manapōuri hydro-electric generation scheme.

Rule 52A – Manapōuri Hydro-electric Generation Scheme

- (a) Despite any other rules in this Plan, any activity that is part of the Manapōuri hydro-electric generation scheme, for which consent is held and which is the subject of an application for a new consent for the same activity and is:
 - (i) the taking or use of water; or
 - (ii) the discharge of water into water or onto or into land; or
 - (iii) the discharge of contaminants into water or onto or into land; or
 - (iv) the damming or diversion of water;is a ~~controlled~~ discretionary activity.
- (b) Despite any other rules in this Plan, any activity that is for the taking of water for the generation of electricity from the Manapōuri hydro-electric generation scheme which seeks a quantity of water greater than that currently consented is a non-complying activity.

Appendix E – Receiving Water Quality Standards

These standards apply to the effects of discharges following reasonable mixing with the receiving waters, unless otherwise stated. They do not apply to waters within artificial storage ponds such as effluent storage ponds or stock water reservoirs or to temporarily ponded rainfall.

The standard for a given parameter will not apply in a lake, river, artificial watercourse or modified watercourse or natural wetland where:

- (a) due to natural causes, that parameter cannot meet the standard; or
- ~~(b) due to the effects of the operation~~ (b) an ancillary activity associated with the maintenance of the Manapōuri hydro-electric generation scheme that alters natural flows, is proposed. This exception only applies where the activity requires a resource consent pursuant to a rule in this plan and will **only not** result in a **temporary permanent** change in the state of the water, that parameter cannot meet the standard. Nothing in this exception precludes consideration of the effects of the proposed activity on water quality through a resource consent process.