

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

<b>UNDER</b>	The Resource Management Act 1991 (RMA)
<b>IN THE MATTER</b>	Appeals under clause 14(1) of the First Schedule of the Act in relation to the Proposed Southland Water and Land Plan
<b>BETWEEN</b>	<b>MERIDIAN ENERGY LIMITED</b> Appellant
<b>AND</b>	<b>SOUTHLAND REGIONAL COUNCIL</b> Respondent

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**MEMORANDUM OF COUNSEL FOR MERIDIAN ENERGY LIMITED TOPIC B  
TRANCHE 1 –**

**3 MARCH 2023**

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**Judicial Officer:** Judge Borthwick

**Solicitor acting:**

Humphrey Tapper  
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**FONTERRA CO-OPERATIVE LTD**  
(ENV-2018-CHC-27)

**HORTICULTURE NEW ZEALAND**  
(ENV-2018-CHC-28)

**ARATIATIA LIVESTOCK LTD**  
(ENV-2018-CHC-29)

**WILKINS FARMING CO**  
(ENV-2018-CHC-30)

**GORE AND SOUTHLAND DISTRICT COUNCILS, INVERCARGILL CITY COUNCIL**  
(ENV-2018-CHC-31)

**DAIRYNZ LTD**  
(ENV-2018-CHC-32)

**H W RICHARDSON GROUP LTD**  
(ENV-2018-CHC-33)

**BEEF + LAMB NEW ZEALAND**  
(ENV-2018-CHC-34 AND 35)

**DIRECTOR-GENERAL OF CONSERVATION**  
(ENV-2018-CHC-36)

**SOUTHLAND FISH & GAME COUNCIL**  
(ENV-2018-CHC-37)

**MERIDIAN ENERGY LTD**  
(ENV-2018-CHC-38)

**ALLIANCE GROUP LTD**  
(ENV-2018-CHC-39)

**FEDERATED FARMERS OF NEW ZEALAND**  
(ENV-2018-CHC-40)

**HERITAGE NEW ZEALAND POHERE TAONGA**  
(ENV-2018-CHC-41)

**STONEY CREEK STATION LTD**  
(ENV-2018-CHC-42)

**THE TERRACES LTD**  
(ENV-2018-CHC-43)

**CAMPBELL'S BLOCK LTD**  
(ENV-2018-CHC-44)

**ROBERT GRANT**  
(ENV-2018-CHC-45)

**SOUTHWOOD EXPORT LTD, SOUTHLAND PLANTATION FOREST COMPANY  
OF NZ**  
(ENV-2018-CHC-46)

**TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA, WAIHOPAI RUNAKA, TE  
RUNANGA O AWARUA AND TE RUNANGA O ORAKA APARIMA**  
(ENV-2018-CHC-47)

**PETER CHARTRES**  
(ENV-2018-CHC-48)

**RAYONIER NEW ZEALAND LTD**  
(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ INC**  
(ENV-2018-CHC-50)

**Appellants**

**AND SOUTHLAND REGIONAL COUNCIL**

**Respondent**

**MAY IT PLEASE THE COURT**

- 1 This memorandum responds to the Court's direction at [19] and [27](b) of the Record of Pre-Hearing Conference dated 3 March 2023.
- 2 Meridian Energy Limited agrees with the suggestion made by Ms Williams for the Director-General of Conservation<sup>1</sup> in relation to the Court's proposed amendment to Rule 51(e)<sup>2</sup>.
- 3 The proposed reference to Rule 51(b) in Rule 51(e) should be deleted for the reason Ms Williams gives. The proposed reference in Rule 51(e) to Rule 51(d) should be retained for clarity.
- 4 Counsel submits that Rule 51(e) should read (**Court Version** with ~~strike through~~):

"(e) **Notwithstanding Rule 51(b) and Rule 51(d)** the diversion of water from a natural wetland for the purpose of land drainage is a non-complying activity."



Stephen Christensen

**Counsel for Meridian Energy Limited**

3 March 2023

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<sup>1</sup> As set out in the table attached to Ms William's memorandum dated 16 February 2023

<sup>2</sup> The Record of Pre-Hearing Conference at [18] refers to the Court's proposed amendment to Rule 51(d). Counsel assumes this reference is a typographical error and that the reference should be to Rule 51(e) (as per the blue shading in the Court Version of the Plan – Annexure 5 to the Fifth Interim Decision)

