

Under the Resource Management Act 1991

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

Between **Federated Farmers of New Zealand (Southland Province)**
Appellant

And **Southland Regional Council**
Respondent

Notice of wish to be a party to proceedings on behalf of Meridian Energy Limited

22 June 2018

Counsel:

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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274, Resource Management Act 1991

TO: The Registrar
Environment Court
Christchurch

- 1 Meridian Energy Limited (**Meridian**) wishes to be a party to appeal ENV-2018-CHC-40 filed by Federated Farmers of New Zealand (Southland Province) (**Appellant**) against parts of a decision of Southland Regional Council (**Respondent**) on the Proposed Southland Water and Land Plan (**pSWLP**).
- 2 Meridian made submissions and/or further submissions on the subject matter of the proceedings and/or has an interest in the proceedings that is greater than the interest that the general public has, as an operator and owner of renewable electricity generation assets in Southland including the Manapouri hydro-electric generation scheme and White Hill wind farm near Mossburn.
- 3 Meridian is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 4 The parts of the proceeding Meridian is interested in, and Meridian's position in relation to the relief the Appellant seeks is as follows:

(a) **Objective 9B**

The Appellant seeks an amendment to this Objective so that the effective development, operation, maintenance and upgrading of Southland's regionally significant, nationally significant and critical infrastructure is recognised but not enabled.

Meridian's position

Meridian opposes the relief sought by the Appellant and supports the decision version of Objective 9B. The effective development, operation, maintenance and upgrading of regionally significant, nationally significant and critical infrastructure needs to be enabled.

(b) **Objective 10**

The Appellant seeks changes to the decision version of this Objective.

Meridian's position

Meridian generally supports the relief the Appellant seeks as it is very similar to the wording sought by Meridian in its notice of appeal. Meridian prefers the wording in its notice of appeal.

(c) **Policy 26**

The Appellant seeks changes to Policy 26 that introduce considerations relating to potential adverse effects as part of the Policy.

Meridian's position

Meridian opposes the relief the Appellant seeks and supports the rewording of Policy 26 set out in Meridian's notice of appeal. Amongst other matters the changes sought appear to pre-empt matters that should properly be considered as part of the FMU sub-catchment process.

(d) **Rule 52A**

The Appellant seeks amendments to this Rule such that replacement consents for the Manapouri hydro-electric generation scheme are classed as restricted discretionary rather than controlled activities. Meridian notes however that the proposed rewording of Rule 52A in the Appellant's notice of appeal categorises replacement consents as discretionary rather than restricted discretionary consents. It is therefore unclear what the Appellant seeks.

Meridian's position

Meridian opposes the relief the Appellant seeks (whether it is discretionary or restricted discretionary activity status for replacement consents for the Manapouri hydro-electric generation scheme) and supports the inclusion of Rule 52A in the form set out in Meridian's notice of appeal. Meridian considers, amongst other matters, that the controlled activity rule it seeks to have included in the pSWLP does not preclude the Council from considering the appropriate flow regimes for the Lower Waiau River as part of the FMU sub-catchment process.

(e) **Appendix A**

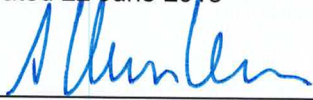
The Appellant seeks reinstatement of the notified version of Appendix A and that further work be carried out to determine the validity of other sites promoted by other stakeholders for inclusion in the Appendix.

Meridian's position

Meridian is unclear exactly what changes the Appellant seeks to have made to Appendix A, and what the implication of those changes will be when read alongside other provisions in the pSWLP (including provisions subject to appeals from other parties). Meridian therefore conditionally opposes the relief the Appellant seeks.

- 5 Meridian agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 22 June 2018



Stephen Christensen
Counsel for Meridian Energy Limited