

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 **Southland Fish and Game Council**
Appellant

And **Southland Regional Council**
Respondent

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

22 June 2018

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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-37 filed by Southland Fish and Game Council (**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 6**

The Appellant seeks the deletion of the word 'overall' in this objective.

Meridian's position

Meridian opposes the relief sought and supports the retention of the decisions version of Objective 6. Setting an objective that seeks no reduction in the overall quality of freshwater is appropriate.

(b) **Objective 7**

The Appellant seeks to add the words 'or earlier when considering relevant consent applications' to the end of this Objective which addresses over-allocation of freshwater.

Meridian's position

Meridian submitted in support of the wording of Objective 7 as notified on the understanding that the Waiau catchment is not over-allocated and that therefore Objective 7 does not apply in the Waiau catchment. That position is reflected in the Report and recommendations of the Hearing Commissioners¹ and in the decision version of the pSWLP which states 'The Waiau catchment is fully allocated as a result of the Manapouri hydro-electric generation scheme, which uses water in the Fiordland and Waiau catchments for the generation of renewable energy.'² This statement is not

¹ Report and Recommendations of the Hearing Commissioners, 29 January 2018, para [55]

² pSWLP decisions version, page 15

subject to appeal but Meridian notes that in its notice of appeal against Rules 52 and 52A, Royal Forest and Bird Protection Society of New Zealand Incorporated asserts that the Waiau catchment is over-allocated and relies upon that statement in support of its point of appeal. Meridian therefore maintains an interest in Objective 7 to ensure that it continues not to apply to water allocated for renewable electricity generation in the Waiau catchment.

(c) **Objective 9**

The Appellant seeks the inclusion of reference to recreational values.

Meridian's position

Objective 9 needs to be read in conjunction with Objectives 9A and 9B which were included as new Objectives in the decision version of the pSWLP. Meridian supports the decision version of these three Objectives as providing for an appropriate and balanced suite of Objectives regarding the management of water resources across the region.

(d) **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 and provided for, 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.

(e) **Policy 16**

The Appellant seeks a number of changes to the wording of Policy 16 aimed at increasing the level of control over farming activities that affect water quality.

Meridian's position

Meridian is generally supportive of controls on farming activities that can have an adverse effect on water quality, while still providing for the reasonable use and development of farm land. Changes in land use for farming has the potential to reduce water quality in the Waiau catchment. Meridian considers the decision version of Policy 16 seeks an appropriate level of control over farming activities that affect water quality, and will enable adverse effects to be appropriately avoided, remedied or mitigated.

- (f) **Policy 20**
The Appellant seeks changes to Policy 20 that more strongly prioritise use of avoidance of activities that have adverse effects on water resources in preference to remediation and mitigation.

Meridian's position

Meridian is a major user of water resources in the Waiau catchment and considers that the decision version of Policy 20 is appropriate and allows for a range of measures to address adverse effects associated with the taking, abstraction, use, damming or diversion of water.

- (g) **Policy 26A**
This is a new Policy. The Appellant seeks that regionally significant, nationally significant, and critical infrastructure be 'enabled' rather than 'provided for'.

Meridian's position

Meridian supports the Appellant's appeal on this Policy. Meridian's renewable electricity generation infrastructure is nationally significant, and Meridian considers reference to 'enable' rather than 'provide for' in this Policy is more appropriate.

- (h) **Policy 30**
This Policy addresses drainage maintenance activities within artificial and modified watercourses. The Appellant seeks a number of changes to strengthen the focus on avoidance of adverse effects and to introduce new matters to be considered.

Meridian's position

Meridian undertakes drainage maintenance activities in the bed of the Lower Waiau River, a modified watercourse, and considers that the decision version of Policy 30 represents an appropriately balanced Policy to help achieve the community benefits of flood conveyance, capacity and land drainage while also addressing the potential for adverse effects on the aquatic environment including habitats.

- (i) **Policy 45**
The Appellant seeks changes to this Policy which, addresses the priority to be given to Freshwater Management Unit (FMU) values, objectives, policies and rules. The changes sought relate to the relative priority

between Region-wide provisions and FMU-specific provisions dealing with the same matters.

Meridian's position

The decision version of Policy 45 is clear and states that FMU-specific provisions will prevail over Region-wide provisions dealing with the same subject matter, unless the FMU-specific provisions state otherwise. Meridian considers this is reasonable and can be operationalised given that the FMU-specific provisions have not yet been developed, and their development will occur in the knowledge of the content of the Region-wide provisions. The change sought by the Appellant is unclear and appears to require that FMU-specific provisions are not to be given priority if they require greater protection of water quality than Region-wide provisions. If that is the intent Meridian cannot understand what the purpose of the amendment is. Meridian supports the decision version of this Policy.

(j) **Policy 47**

The Appellant seeks changes to this Policy that describes the FMU process by requiring the FMU sections to support implementation of the Region-wide objectives for freshwater.

Meridian's position

Meridian considers that Policy 47 works closely with Policy 45. Meridian considers that the combined effect of the changes sought by the Appellant to both Policies confuse rather than clarify the relationship between FMU-specific and Region-wide provisions. Meridian supports the decision versions of these Policies.

(k) **Rule 5**

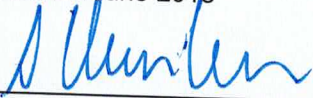
The Appellant seeks to amend Rule 5 by adding a requirement that in order to qualify as a discretionary activity a discharge must not be into a Regionally Significant Wetland or Sensitive Waterbody listed in Appendix A.

Meridian's position

Lakes Te Anau and Manapouri are not included in Appendix A, but appeal point 40 in the notice of appeal of Nga Runanga and Ngai Tahu seeks that these lakes are included in Appendix A. If the relief sought by the Appellant and the relief sought by Nga Runanga and Ngai Tahu were granted, activities necessary and incidental to the operation of the MPS would be classified as non-complying activities. Meridian opposes the relief the Appellant seeks and supports the decision version of Rule 5.

- 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