

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

**AT CHRISTCHURCH
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First Schedule of
the Act

BETWEEN **TRANSPower NEW ZEALAND LTD**
(ENV-2016-CHC-26)
Appellant

ARATIATIA LIVESTOCK LTD
(ENV-2018-CHC-29)
[Continued on next page]

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**Memorandum for the Director-General of Conservation Tumuaki Ahurei
Attaching Topic B Tranche 3 Provisions Wording Sought**

Dated 1 November 2022

Department of Conservation
Planning, Permissions and Land
RMA Shared Services
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Solicitor Rōia: Pene Williams

May it please the Court,

1. The Director-General is a section 274 party to appeals by Meridian Energy Ltd, Aratiatia Livestock Ltd and Ngā Rūnanga in respect of Rule 52A and Appendix E of the proposed Southland Water and Land Regional Plan.
2. Further to the Memorandum filed for the Director-General on 31 October 2022 (responding to the Court's Minute of 27 October 2022), I have been advised the Director-General's preferred wording for Appendix E had an error.
3. Accordingly, the Director-General's corrected preferred wording for these provisions, with the correction to Appendix E highlighted, is attached in Appendix A.



P D Williams
Counsel for the Director-General

Appendix A

Director-General's preferred wording of provisions at 1 November 2022

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 (correct version)

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~~ 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.