

In the Environment Court of New  
Zealand Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-29**  
**ENV-2018-CHC-38**  
**ENV-2018-CHC-47**  
**ENV-2018-CHC-50**

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14 of Schedule 1 of the RMA in  
relation to decisions on the Proposed Southland Water and  
Land Plan

Between **Aratiatia Livestock Limited, Meridian Energy Limited,  
Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o  
Awarua, Te Rūnanga o Oraka Aparima, and Te  
Rūnanga o Ngāi Tahu, Royal Forest and Bird  
Protection Society of New Zealand Incorporated**

Appellant

And **Southland Fish and Game Council**

Appellant

And **Southland Regional Council**

Respondent

---

**Memorandum of Counsel for Southland Fish and Game Council –  
Preferred Relief**

Topic B6

31 October 2022

---

---

Counsel: Sally Gepp  
Level 1, 189 Hardy Street,  
Nelson 7010  
Email: [sally@sallygepp.co.nz](mailto:sally@sallygepp.co.nz)  
Telephone: 021 558 241

## MAY IT PLEASE THE COURT

This memorandum contains the preferred relief of Southland Fish and Game Council for Topic B6.

### ***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;
- c. *[insert a specific reverse sensitivity policy in relation to the MPS that identifies (i) what activities and development may be incompatible with the MPS and (ii) how this infrastructure should be protected from such activities].*

While;

- d. ~~safeguarding the mauri and~~ providing for the ecosystem health of the Waiau River, and;
- e. reversing or reducing the 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 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~~ 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.

---