

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA
KI OTAUTAHI**

IN THE MATTER of the Resource Management Act
1991

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

BETWEEN **ARATIATIA LIVESTOCK LIMITED**
(ENV-2018-CHC-29)

MERIDIAN ENERGY LIMITED
(ENV-2018-CHC-38)

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

**WAIHOPAI RŪNAKA, HOKONUI
RŪNAKA, TE RŪNANGA O
AWARUA, TE RŪNANGA O
ORAKA APARIMA, & TE
RŪNANGA O NGĀI TAHU**
(ENV-2018-CHC-47)

**ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**
(ENV-2018-CHC-50)

Appellants

AND **SOUTHLAND** **REGIONAL**
COUNCIL

Respondent

**MEMORANDUM OUTLINING RELIEF SUPPORTED BY WAI AU
RIVERCARE GROUP**

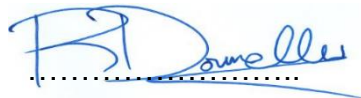
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MAY IT PLEASE THE COURT:

1. The Waiau Rivercare Group is a section 274 party to appeals relating to policy 26, rule 52A and appendix E. These matters will all be dealt in the tranche two and three hearings.

2. Annexure “A” to this memorandum sets out the relief that the Waiau Rivercare Group supports in relation to the above.

Date: 29 October 2021



R W Donnelly
Counsel for Waiau Rivercare Group Incorporated

“A”

Policy 26 – Renewable energy

Recognise and provide for the national and regional significance 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 the practical constraints associated with its development, operation, maintenance and upgrading,~~ when:

1. allocating surface water for abstraction, damming, diversion and use; and
2. considering all resource consent applications for surface water abstractions, damming, diversion and use.

Whilst, in the context of the Manapōuri hydro-electric scheme, having regard to:

3. The potential to avoid, remedy or mitigate any adverse effects on the mauri of the Waiau river system; and
4. The opportunity to reverse or reduce the damage which the operation of the scheme has caused within the catchment;

Including by increasing the minimum flow requirements at the Mararoa weir/Manapōuri Lake Control Structure specified in consents relating to the scheme.

Rule 52A—Manapōuri Hydro-electric Generation Scheme¹

~~(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 activity provided the following conditions are met:~~

- ~~(1) — the application is for the replacement of an expiring resource consent pursuant to section 124 of the Act;~~
- ~~(2) — where the replacement consent is for the taking or use of water, the rate of take and volume is not increasing, and the use of water is not changing; and~~
- ~~(3) — where the replacement consent is for the taking or use of water, the rate of take and volume complies with any relevant flow and level regimes set out in this Plan.~~

The Southland Regional Council will reserve its control to the following matters:

¹ With the removal of rule 52A all other references to the rule would follow.

- ~~1. the volume and rate of water taken, used, diverted or discharged and the timing of any take, diversion or discharge, including how this relates to generation output;~~
- ~~2. any effects on river flows, wetland and lake water levels, aquatic ecosystems and water quality;~~
- ~~3. mitigation or remediation measures to address adverse effects on the environment; and~~
- ~~4. the benefits of renewable electricity generation.~~

~~An application for resource consent under Rule 52A(a) will be publicly notified.~~

~~(b) 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;~~

~~that does not meet one or more of the conditions of Rule 52A(a) 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 of the Manapōuri hydro-electric generation scheme that alters natural flows, that parameter cannot meet the standard.~~