

In the Environment Court of New Zealand
Christchurch Registry

ENV-2018-CHC-50

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 **Royal Forest and Bird Protection Society of NZ Inc**
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-50 filed by Royal Forest and Bird Protection Society of New Zealand Incorporated (**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 and needs to be read in the context of the Objective as a whole.

(b) **Objectives 9, 9A and 9B**

The Appellant seeks the inclusion of reference to recreational values and waterbody margins in Objective 9, and a rewording of the Policies to prioritise achievement of values in Objective 9 before use of land and water for values in Objectives 9A and 9B are provided for.

Meridian's position

Objectives 9, 9A and 9B need to be read together. 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, and opposes the relief sought by the Appellant. Recreational values are not a section 6 matter that warrant

separate identification within Objective 9 and are addressed by association within Objective 9B.

(c) **Objective 17**

The Appellant seeks that this Objective be amended to include the preservation, as well as protection from inappropriate use and development, of the natural character values of Southland's wetlands, rivers and lakes (and their margins).

Meridian's position

Meridian opposes the relief the Appellant seeks and supports the decision version of this Objective. If all natural character values of wetlands, lakes and rivers (and their margins) are to be preserved reference to protection is otiose. Not all natural character values are of equal significance and sustainable management does not require that they all be preserved. The decision version of the Objective allows for reasonable decisions to be made on a case by case basis as to the level of appropriate protection of natural values to be applied in Southland, ranging from preservation where the values are very high, to little protection where the natural character values are very low.

(d) **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 opposes the relief sought by the Appellant. Meridian is generally supportive of controls on farming activities under Policy 16 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, while enabling adverse effects to be appropriately avoided, remedied or mitigated.

(e) **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.

(f) **Policy 26A**

This is a new Policy concerned with recognising and providing for regionally significant, nationally significant and critical infrastructure development, operation, maintenance and upgrading. The Appellant seeks that the Policy be deleted on the basis that Policy 26 adequately recognises infrastructure.

Meridian's position

Meridian opposes the relief the Appellant seeks on this Policy. Policy 26 concerns renewable energy but does not address other regionally significant, nationally significant and critical infrastructure. Inclusion of Policy 26A in the decision wording is appropriate.

(g) **Policy 28**

This Policy addresses the management of the effects of structures and bed disturbances on values associated with rivers and lakes. The Appellant seeks that the Policy be amended so that the only option to address adverse effects is avoidance.

Meridian's position

Meridian opposes the relief sought by the Appellant and supports the decision version of this Policy. It is appropriate that the Policy provide a range of responses to address actual and potential adverse effects of activities and structures in river and lake beds allowing for actions commensurate with the importance of the activities being undertaken, the importance of the values affected, and the scale and significance of the adverse effects.

(h) **Policy 32**

The Appellant seeks changes to this Policy by adding a requirement to maintain indigenous biodiversity in addition to protecting significant indigenous vegetation and significant habitats of indigenous fauna.

Meridian's position

Meridian opposes the relief sought by the Appellant and supports the decision version of Policy 32. Policy 32 is focused on significant values and not on general maintenance of biodiversity. Other provisions of the pSWLP are directed toward or allow for maintaining biodiversity values.

(i) **Rule 51**

The Appellant seeks to amend this Rule so that minor diversions from all wetlands are non-complying activities.

Meridian's position

Meridian considers that Rule 51 in the decision version of the pSWLP is appropriate and opposes the relief sought by the Appellant. Discretionary status for activities that do not meet the specified standards for permitted activities is appropriate and allows for the effects to be managed through the granting of consents subject to appropriate conditions, or the refusal of consent where effects are unacceptable and cannot be managed appropriately or where the activity is in contrary to the objectives and policy of the pSWLP.

(j) **Rules 52 and 52A**

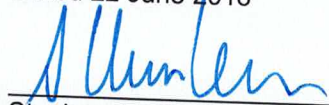
The Appellant seeks to amend Rule 52 by providing that all abstraction, damming, diversion and use of water from the Waiau catchment is non-complying except as provided for in Rules 49, 50 and 51. The Appellant also seeks the deletion of Rule 52A which provides for replacement consents for the Manapouri hydro-electric generation scheme.

Meridian's position

Meridian opposes the relief sought by the Appellant in relation to these Rules and supports the versions of Rules 52 and 52A as set out in Meridian's notice of appeal. The Appellant's notice of appeal asserts that the Waiau catchment is over-allocated. That is not the position set out in the pSWLP which states that "The Waiau catchment is fully allocated as a result of the Manapouri hydro-electric generation scheme...". This statement is consistent with the Report and Recommendations of the Hearing Commissioners at [55] where it is noted "We have been informed that while the surface waters of the Waiau River catchment are fully allocated, no water resources in Southland are currently over-allocated." The major activities associated with the Manapouri hydro-electric generation scheme activities are not provided for in Rules 49, 50 and 51 and it appears that under the amendments sought by the Appellant replacement consents for the scheme would be classified as non-complying activities.

- 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