

**FURTHER SUBMISSION ON  
FRESHWATER PLANNING INSTRUMENT PART OF  
THE PROPOSED REGIONAL POLICY STATEMENT JUNE 2021  
UNDER THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

**To:** Freshwater Planning Instrument Part of Proposed Otago Regional Policy Statement June 2021  
Otago Regional Council  
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Attention: ORC Policy Team

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Meridian Energy Limited (**Meridian**) makes the specific further submissions on the Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement June 2021 (**FPI**) that are set out in the attached document.

Meridian would like to be heard in support of its submissions.

In accordance with Clause 8(1)(b) of the First schedule of the Resource Management Act 1991 (**the Act**), Meridian has an interest in the FPI that is greater than the interest of the general public.

Meridian could not gain an advantage in trade competition through this submission.

If other persons make a similar submission, then Meridian would consider presenting joint evidence at the time of the hearing.



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Andrew Feierabend  
For and on behalf of Meridian Energy Limited

Dated this 3rd day of February 2023

**FURTHER SUBMISSIONS OF MERIDIAN ON THE FRESHWATER PLANNING INSTRUMENT PART OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT JUNE 2021**

**1. ABBREVIATIONS USED IN FURTHER SUBMISSION**

Abbreviations used in this further submission include:

The Act	The Resource Management Act 1991
FPI	Freshwater Planning Instrument Part of Proposed Otago Regional Policy Statement June 2021
NPSFM	National Policy Statement for Freshwater Management 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
pORPS21	Proposed Otago Regional Policy Statement June 2021
REG	Renewable electricity generation

**2. SPECIFIC FURTHER SUBMISSION POINTS**

<b>SUBMITTER AND SUBMISSION POINT NUMBER</b>	<b>PLAN PROVISION</b>	<b>SUPPORT OR OPPOSE</b>	<b>REASONS</b>
NZ Ski FPI038.003	All concerning use of “possible”	Support	NZ Ski has sought the deletion of “ <i>possible</i> ” from the FPI, and its replacement with “ <i>practicable</i> ”.  Meridian generally supports this submission since it recognises that while an action or outcome may be “possible”, there may be some circumstances where due to functional needs it may not be “practicable” to be achieved. This can be the case when there are multiple national and/or regional matters of significance that are in tension with each other and some discretion is needed in decision making on such matters.

<p>Dunedin City Council FPI001.043</p>	<p>All concerning use of “avoid or minimise”</p>	<p>Support</p>	<p>Dunedin City Council has sought that reference to “<i>avoid or minimise</i>”, or similar, be changed to be “<i>avoid or minimise as far as practicable</i>”, or similar.</p> <p>Meridian generally supports this submission since it recognises that while it may be possible to further minimise an adverse effect, there may be some circumstances where due to functional needs it may not be “practicable” to further minimise an adverse effect. This can be the case when there are multiple national and/or regional matters of significance that are in tension with each other and some discretion is needed in decision making on such matters.</p>
<p>Contact Energy Limited FPI027.010</p>	<p>SRMR-I5</p>	<p>Support</p>	<p>Contact Energy Limited has sought that the issue statement is amended to appropriately recognise the critical importance of REG to achieving New Zealand’s emission reduction targets; and to more appropriately recognise the directions within the NPSFM and NPSREG.</p> <p>Meridian supports this submission, particularly given the national significance of REG that is established in the NPSREG.</p> <p>In particular, Meridian supports insertion of the following text into SRMR-I5, or words of similar effect:</p> <p style="text-align: center;"><i>“Climate change and renewable electricity generation</i></p> <p style="text-align: center;"><i>Protecting and maximising the generation capacity, storage, and operational flexibility of the Clutha Hydro Scheme is essential to climate change mitigation, which in turn is an essential part of protecting the environment as well as providing for the economic and social wellbeing of people and communities. Providing for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation is also required to give effect to the NPSREG.”</i></p>
<p>Contact Energy Limited FPI027.012</p>	<p>SRMR-I9</p>	<p>Support</p>	<p>Contact Energy Limited has sought several changes to SRMR-I9 that reflect the national and regional significance of the existing Clutha Hydro Scheme, and of REG more broadly. Meridian supports the changes sought and considers that they more fully give effect to the NPSREG.</p>

Forest and Bird FPI045.006	LF-WAI-P1	Oppose	<p>Forest and Bird has sought that the words “<i>including hydroelectricity generation</i>” be added to third tier of priorities when managing freshwater in Otago.</p> <p>Meridian disagrees with the placement of REG in the third tier. Rather, given the national significance of REG established in the NPSREG, Meridian considers that LF-WAI-P1 should be amended to require that when managing freshwater in Otago, decision makers should apply the priorities set out in (1) to (3) of the policy, and at the same time recognise and provide for ‘freshwater management and hydro-electricity generation as part of New Zealand’s response to climate change’.</p>
Fish and Game FPI037.014	LF-VM - Visions and management New provision	Oppose	<p>Fish and Game has sought inclusion of a new objective (i.e. “LF-VM-OA2 – All of Otago catchment vision”) that aims to achieve by no later than 2040 a list of outcomes for freshwater in Otago.</p> <p>Meridian opposes this proposed objective on the basis that it is not reasonably practicable to achieve many of the outcomes listed by 2040, and there is no recognition in this list of the national significance of REG and associated impacts on waterbodies.</p> <p>In addition, Meridian opposes use of the phrase “restored to...” since it is not clear what the expected state of a waterbody is once restoration is completed. Meridian prefers use of the term “improved”.</p>
Forest and Bird FPI045.008	LF-VM - Visions and management New provision	Oppose	<p>Forest and Bird has sought inclusion of a new objective that aims to achieve by no later than 2040 a list of outcomes for freshwater in Otago.</p> <p>Meridian opposes this proposed objective on the basis that many of the outcomes listed are not reasonably practicable to achieve by 2040, and there is no recognition in this list of the national significance of REG and associated impacts on waterbodies.</p> <p>In addition, Meridian opposes use of the phrase “restored to...” since it is not clear what the expected state of a waterbody is once restoration is completed. Meridian prefers use of the term “improved”.</p>
Wise Response Society Inc	LF-VM-O2	Oppose	<p>Wise Response Society Inc has sought several changes to LF-VM-O2(7). Concerning (a) within LF-VM-O2(7), Wise Response Society Inc has sought inclusion of the words “<i>and restored</i>”. Meridian opposes this change since it is not clear what the expected state of</p>

FPI035.005			a waterbody is once restoration is completed. Meridian prefers use of the term “improved”.
Dunedin City Council FPI001.008	LF-VM-O2	Oppose	Dunedin City Council has sought that LF-VM-O2 be amend to address mitigation of sediment processes associated with large dams.  In the absence of the particular drafting change sought by Dunedin City Council, Meridian opposes this submission.
Contact Energy Limited FPI027.019	LF-VM-O2	Support	Contact Energy Limited has sought several changes to LF-VM-O2 and Meridian supports all of the changes sought on the basis that they improve clarity of the objective and better align with the requirements of the NPSREG and the purpose of the Act.
Kāi Tahu ki Otago FPI030.020	LF-VM-O2	Oppose	Kāi Tahu ki Otago has sought inclusion of the following in the matters listed in LF-VM-O2:  <i>“(7) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and,”</i>  Meridian opposes this submission on the basis that it does not recognise the functional needs of existing REG activities, including the need to maintain existing infrastructure and that this can result in temporary and/or minor modifications to the natural form and function of waterbodies.
Waka Kotahi FPI018.001	LF-VM-O2	Support in part	Waka Kotahi has sought that subpart 7(c)(i) of LF-VM-O2 be amended as follows:  <i>“<u>minimise</u> <del>there is no further</del> modification of the shape and behaviour of the water bodies and <u>promote</u> opportunities to restore the natural form and function of water bodies, <del>are promoted</del> wherever possible.”</i>  Meridian supports these changes on the basis that they better recognise the functional needs of significant infrastructure such as REG infrastructure.  At the same time, Meridian notes their further submission in support of NZSki’s submission FPI038.003 that seeks the deletion of “possible” from the FPI, and its

			<p>replacement with “<i>practicable</i>”; and their further submission in support of Fish and Game’s submission FPI037.003 which seeks insertion of a definition for <i>minimise</i>.</p> <p>Based on these further submissions, Meridian seeks that 7(c)(i) of LF-VM-O2 be amended as follows, where Meridian’s changes are shown in red.</p> <p><i>“<u>minimise</u> <del>there is no further</del> modification of the shape and behaviour of the water bodies and <u>promote</u> opportunities to restore the natural form and function of water bodies, <del>are promoted</del> wherever possible”</i></p>
John Highton FPI007.008	LF-VM-O2	Oppose	<p>Mr Highton has sought that LF – VM – O2(6) be amended to address the potential impact of hydroelectricity generation and to manage the effects on the environment of such activities.</p> <p>Meridian opposes the change sought on the basis that LF-VM-O2 is focused on the outcomes for the Clutha Mata-au, while other provisions in the FPI address potential adverse effects of activities. Further, in the absence of particular drafting sought by Mr Highton, Meridian opposes the submission.</p>
Kāi Tahu ki Otago FPI030.022	LF-VM-O4	Oppose	<p>Kāi Tahu ki Otago has sought inclusion of the following in the matters listed in LF-VM-O4:</p> <p><i>“(Y) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible, and”</i></p> <p>Meridian opposes this submission on the basis that it does not recognise the functional needs of existing REG activities, including the need to maintain existing infrastructure and that this can result in temporary and/or minor modifications to the natural form and function of waterbodies.</p>
Contact Energy Limited FPI027.022	LF-VM-P6	Support	<p>Contact sought amendments to LF-VM-P6 to recognise section 3.31 of the NPSFM.</p> <p>Section 3.31 of the NPSFM sets out how the NPSFM is to be implemented with respect 5 large hydro-electric generation schemes, including the Clutha Scheme. Meridian supports this submission as it gives better effect to the NPSFM and the NPSREG.</p>

Fish and Game FPI037.015	LF-FW-08	Oppose	<p>Fish and Game has sought that LF-FW-08(4) be amended by adding “...<u>protected and restored</u>”.</p> <p>Meridian opposes this submission on the basis that it is not clear what the expected state of habitat is once restoration is completed. Meridian prefers use of the term “improved”.</p>
Oceana Gold Ltd FPI031.008	LF-FW-09	Support	<p>Oceana Gold Ltd has sought that the chapeaux to LF-FW-09 be amended as follows: “<i>Otago’s natural wetlands are protected, <u>improved</u> or restored so that:</i>”.</p> <p>Meridian supports this submission on the basis that it is not clear what the expected state of wetlands would be once restoration is completed. Meridian prefers use of “improved”.</p>
Fish and Game FPI037.019	LF-FW-P7	Oppose	<p>Fish and Game has sought that LF-FW-P7(1) be amended as follows “<i>the health, <del>and well-being</del> <u>and resilience</u> of water bodies is <del>maintained or, if degraded, improved</del> <u>protected and restored</u>”; and that LF-FW-P7(2) be amended as follows “<i>the habitats of indigenous species associated with water bodies are protected <u>and restored</u>, including by providing for fish passage</i>”</i></p> <p>Meridian opposes these submissions on the basis that they are not clear what the expected state is once a waterbody and/or associated habitat has been restored. Rather, Meridian considers that it is helpful to focus on ‘improving’ a waterbody and/or associated habitat when it is degraded.</p>
Oceana Gold Ltd FPI031.009	LF-FW-P7	Oppose in part	<p>Oceana Gold Ltd has sought the following changes to LF-FW-P7(2)</p> <p><i>“(2) the habitats of <u>significant</u> indigenous species associated with water bodies are <u>maintained and enhanced</u> <del>protected</del>, including by providing for fish passage,”</i></p> <p>Meridian opposes the part of this submission that adds “<i>enhanced</i>”. Meridian considers that enhancement should only be a policy where the value in question has been degraded. Meridian considers that enhancement in the absence of degradation is unnecessarily onerous and is inconsistent with sustainable management of resources.</p>

<p>Horticulture New Zealand FPI047.023</p>	<p>LF-FW-P7</p>	<p>Oppose in part</p>	<p>Horticulture New Zealand has sought the following changes to LF-FW-P7(2):</p> <p><i>“the habitats of indigenous species associated with water bodies are <u>maintained and improved</u> <del>protected</del> including by providing for fish passage,”</i></p> <p>Meridian opposes the part of this submission that adds <u>improved</u>. Meridian considers that improvement should only be a policy where the value in question has been degraded. Meridian considers that improvement in the absence of degradation is unnecessarily onerous and is inconsistent with sustainable management of resources</p>
<p>Queenstown Lakes District Council FPI046.011</p>	<p>LF-FW-P9</p>	<p>Oppose</p>	<p>Queenstown Lakes District Council has sought that the following definition be included in LF-FW-P9:</p> <p><i>“Restoration means the active intervention and management of modified or degraded habitats, ecosystems, landforms, and landscapes in order to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities”</i></p> <p>While a definition of restoration may be helpful within the FPI (provided it only applied where a value had been degraded) Meridian considers that the proposed definition is not appropriate within LF-FW-P9 as it is not specific to the values of natural wetlands, and because a modified wetland can (in some circumstances) provide environmental benefits beyond those that would have occurred naturally.</p>
<p>Contact Energy Limited FPI027.031</p>	<p>LF-FW-M7</p>	<p>Support</p>	<p>Contact has sought changes to LF-FW-M7(2) <i>“to require that adverse effects on values are “avoided or minimised”, and in the context of any outstanding water bodies within the Clutha Hydro Scheme, only to the extent reasonably practicable given the NPSFM direction to provide for the generation capacity, storage and operational flexibility of the scheme.”</i> Contact has also sought <i>“amendments to make [it] clear that natural character in respect of the lakes and rivers associated with the Clutha Hydro Scheme can only be preserved to the extent reasonably practicable.”</i></p>



			Meridian supports this submission on the basis that the changes it is seeking are more consistent with the Act and the NPSREG.
Wise Response Society FPI035.025	LF-LS-M12	Oppose	Wise Response Society has sought the following changes to LF-LS-M12(1)(b): <i>“(b) prohibiting <del>minimising</del> the removal of tall tussock grasslands, and”</i> Meridian opposes this submission as it is on a provision that is not part of the FPI, and it is unnecessarily restrictive.
Fish and Game FPI037.003	New definition of Minimise	Support	Fish and Game has sought inclusion of a new definition as follows: <i>“Minimise means to reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning”</i> Meridian supports this definition and considers that its use is consistent with the purpose of the Act and with the NPSREG.
Fish and Game FPI037.005	New definition of Restore	Oppose	Fish and Game has sought inclusion of a new definition as follows: <i>“Restore means to return to a state of good health, well-being and resilience.”</i> Meridian opposes this definition as it is unclear how “good”, “well-being” and “resilience” will be determined. Use of ‘restore’ in some provisions of the pORPS21 is associated with directive and restrictive expectations, therefore the definition sought by Fish and Game would result in further uncertainty with respect to such provisions.
Queenstown Lakes District Council FPI046.028	New definition of Restoration	Oppose in part	Queenstown Lakes District Council has sought inclusion of a new definition as follows: <i>“Restoration means the active intervention and management of modified or degraded habitats, ecosystems, landforms, and landscapes in order to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities.”</i> While this may be a helpful definition for the term ‘restoration’, Meridian is concerned that it has an association to use of the term ‘restore’. It is not clear from the preceding

			definition of 'restoration', and use of 'restore' in the pORPS21 (including the FPI) at what point 'restoration' is completed. Meridian considers that greater certainty is needed on the use of these terms.
All submissions	All provisions of the pORPS21 that sit outside the FPI	Oppose	Meridian is aware that many submissions were made on provisions that are not part of the FPI. Meridian opposes all submissions that have been made that are not on FPI provisions.

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