

**In the Environment Court
Wellington Registry
I Mua I Te Kōti Taiao O Aotearoa
Te Whanganui-ā-Tara Rohe**

ENV-2019-WLG-000130

Under the Resource Management Act 1991
And in the matter of an application under Section 274 of the Act

Between

**The Royal Forest and Bird Protection Society of New Zealand
Incorporated**

Appellant

and

Greater Wellington Regional Council

Respondent

**Notice of Meridian Energy Limited's wish to be party to
proceedings**

9 October 2019

BELL GULLY

BARRISTERS AND SOLICITORS
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To: The Registrar
Environment Court
Wellington

1. Meridian Energy Limited (**Meridian**) wishes to be a party to the following proceedings:
 - (a) *The Royal Forest and Bird Protection Society of New Zealand Incorporated v Greater Wellington Regional Council – ENV-2019-WLG-000130.*
2. Meridian made a submission and a further submission about the subject matter of the proceedings and has an interest in the proceedings that is greater than the interest that the general public has as a renewable energy generator and provider with interests in the Greater Wellington Region.
3. Meridian is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **RMA**).
4. Meridian is interested in part of the proceedings.
5. Meridian is interested in the following parts of the proceedings:
 - (a) Section 3.2 – Objective O12;
 - (b) Section 3.4 – Objective O19;
 - (c) Section 4.2 – Policy P13;
 - (d) Section 4.5 – Policy P32;
 - (e) Section 4.6.2 – Policy P41; and
 - (f) Section 4.8.9 – Policy P102.
6. Meridian is interested in the following particular issues:
 - (a) The reinstatement of the notified version of Objective O12;

- (b) The reinstatement of the notified version of Objective O19 with amendment;
- (c) The reinstatement of the notified version of Policy P13 with amendment;
- (d) The replacement of Policy P32 with a different policy;
- (e) The replacement of part of the Policy P41 with a different policy; and
- (f) The replacement of Policy P102 with a different policy.

7. Meridian supports in part the relief sought in respect of issues (d) and (e) above, including for the following reasons:

- (a) While Meridian supports the removal of the word 'minimise' in proposed replacement Policies P32 and P41, it considers that the references to Tables 3.4 to 3.8 in Policy P32 are unnecessary as they replicate the requirements specified in related Objective O25.
- (b) Meridian prefers the relief sought in its appeal for Policies P32 and P41, being the amendment of the policies to enable the avoidance, remediation or mitigation of adverse effects on biodiversity as contemplated by the Part 2 of the RMA and the National Policy Statement for Renewable Electricity Generation (the **NPSREG**), including by the use of environmental compensation without constraint as to its location.

8. Meridian opposes the relief sought in respect of issues (a), (b), (c) and (f) above, including for the following reasons:

- (a) Meridian seeks that Objective O12 is amended in accordance with the relief sought in its appeal on the Proposed Natural Resources Plan (**PNRP**);
- (b) The reinstatement and amendment of Objective O19 is unnecessary as the matters have been incorporated into

Objective O17. Further, the amendments sought are likely to unduly constrain the operation, maintenance, upgrade and development of regionally significant infrastructure and renewable energy generation activities;

- (c) It is appropriate that regionally significant infrastructure and renewable energy generation activities are provided for given the importance of these activities;
- (d) The avoidance, remediation and mitigation of potential effects of regionally significant infrastructure and renewable energy generation activities are addressed explicitly in other PNRP policies;
- (e) The requested replacement wording of Policy P102 is inappropriate as it only provides an exception for nationally significant infrastructure, rather than regionally significant infrastructure and renewable energy generation activities;
- (f) The relief sought by the Appellant fails to give effect to the NPSREG as required by section 75(3) of the RMA and is otherwise contrary to Part 2 and the purpose of the RMA.

9. Meridian agrees to participate in mediation or other alternative dispute resolution of the proceedings.



A J L Beatson / L M Lincoln
Counsel for Meridian Energy Limited

Dated 9 October 2019

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.