

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

ENV-2019-WLG-000131

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

Between

New Zealand Transport Agency

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
A J L BEATSON / L M LINCOLN
WELLINGTON LEVEL 21, ANZ CENTRE, 171 FEATHERSTON STREET
PO BOX 1291, WELLINGTON 6140, DX SX11164, NEW ZEALAND
TEL 64 4 915 6800 FAX 64 4 915 6810

To: The Registrar
Environment Court
Wellington

1. Meridian Energy Limited (**Meridian**) wishes to be a party to the following proceedings:
 - (a) *New Zealand Transport Agency v Greater Wellington Regional Council* – ENV-2019-WLG-000131.
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 – Objectives O12 and O13;
 - (b) Section 4.1 – Policy P4;
 - (c) Section 4.2 – Policy P12;
 - (d) Section 4.2 – Policy P13;
 - (e) New Policy 'Y';
 - (f) Section 4.4.2 – Policy P24;
 - (g) Section 4.5 – Policy P32;
 - (h) Section 4.6.2 – Policies P40 and P41;
 - (i) Section 4.10.2 – Policy P138; and

(j) Section 5.2.15 – Rule R67.

6. Meridian is interested in the following particular issues:

- (a) Amendments to Objective O12 so that regionally significant infrastructure, renewable energy generation activities and the utilisation of mineral resources are provided for;
- (b) Amendments to Objective O13 to protect the operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities in areas outside of the CMA and the beds of rivers and lakes;
- (c) The proposed reinstatement of Policy P4 with amendment;
- (d) Amendments to Policy P12 to recognise and provide for new and upgraded regionally significant infrastructure in all environments where there is a functional need or operational requirement, including the presence of existing infrastructure;
- (e) Amendments to Policy P13 that seek to provide a clear and coherent policy framework for the management of potentially competing priorities and enable decision makers to assess, on a case by case basis, whether a particular application is appropriate;
- (f) The addition of new Policy 'Y' outlining a generic cascading effects approach to managing adverse effects arising from the operation, maintenance, upgrading and development of regionally significant infrastructure;
- (g) Amendments to Policies P24 and P40 seeking to enable for a case-by-case evaluation of the benefits of regionally significant infrastructure to be undertaken, balanced against its adverse effects on identified and specified values and competing environmental policies;
- (h) Amendments to Policy P32 to provide for the entirety of the mitigation hierarchy under the RMA;

- (i) Amendments to Policy P41 to provide a suitable framework to enable decisions as to when regionally significant infrastructure may be appropriate in sensitive environments and provide for the entirety of the mitigation hierarchy under the RMA;
 - (j) Amendments to Policy P138 to add the qualifier 'reasonably'; and
 - (k) Amendments to Rule R67 to add a new rule providing for the discharges of water or contaminants into water, or onto or into land where it may enter water from regionally significant infrastructure inside sites of significance as a discretionary activity.
7. Meridian supports the relief sought in respect of issues (a), (b), (g), (j) and (k) above, including for the following reasons:
- (a) The relief sought to insert 'and provided for' in Objective O12 is appropriate given the importance of regionally significant infrastructure and renewable energy generation activities and is consistent with the relief sought in Meridian's appeal;
 - (b) The requested deletion of the words "in the coastal marine area and beds of rivers and lakes" appropriately recognises that regionally significant infrastructure and renewable energy generation activities should be protected beyond the coastal marine area and the beds of rivers and lakes;
 - (c) The relief sought better provides for the operation, maintenance, upgrade and development of regionally significant infrastructure;
 - (d) The relief sought would better give effect to the National Policy Statement for Renewable Electricity Generation 2011 (the **NPSREG**);
 - (e) The relief sought would better achieve Part 2, including s 6 of the RMA, and the purpose of the RMA being to promote the sustainable management of natural and physical resources.

8. Meridian supports in part the relief sought in respect of issues (d) and (f) - (i) above, including for the following reasons:
- (a) The requested deletion of the words “in the coastal marine area and beds of lakes and rivers” in Policy P12 appropriately recognises that there are functional and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure beyond the coastal marine area and the beds of lakes and rivers. Meridian also considers there is some merit to separating functional need from operational requirements;
 - (b) Meridian supports a new policy that provides for a cascading approach to the management of effects associated with regionally significant infrastructure, but considers that proposed clause (a) should be amended so that only significant adverse effects are required to be avoided;
 - (c) Meridian shares similar concerns with the Appellant with respect to Policy P24 but prefers the relief sought in its appeal on the Proposed Natural Resources Plan (the **PNRP**);
 - (d) The relief sought by the Appellant with respect to Policy P32 and P41 is generally consistent with the relief sought by Meridian in its appeal on the PNRP;
 - (e) The relief sought would better give effect to the NPSREG.
9. Meridian opposes the relief sought in respect of issue (c) above, including for the following reasons:
- (a) Meridian supports the use of the ‘avoid, remedy and mitigate’ approach to managing effects directed by section 5 of the RMA and considers that it is not appropriate for the PNRP to require “minimisation”. Meridian also agrees with the Hearing Panel that all policies in the PNRP should stand on their own without reliance on other policies for interpretation purposes.

10. Meridian neither supports nor oppose the relief sought in respect of issue (e) above, including for the following reasons:

(a) Meridian is interested in any amendments to Policy P13 which specifically relates to providing for renewable energy generation activities.

11. 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

Address for service:

Meridian Energy Limited
C/- Bell Gully
171 Featherston Street
PO Box 1291
Wellington 6140
Attention: Laura Lincoln

Telephone: (04) 915 6800
Facsimile: (04) 915 6810
Email: andrew.beatson@bellgully.com / laura.lincoln@bellgully.com /
humphrey.tapper@meridianenergy.co.nz

Advice

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