

In the Environment Court of New Zealand
Wellington Registry

I te Kōti Taiao o Aotearoa
Ki te Whanganui-a-Tara

ENV-2024-WLG-000051

Under cl 14 of Schedule 1 to the Resource Management Act 1991
("RMA")

In the matter of an appeal against parts of a decision of the Greater Wellington
Regional Council on Change 1 and Variation 1 to the
Wellington Regional Policy Statement

Between **Winstone Aggregates**

Appellant

And **Greater Wellington Regional Council**

Respondent

**Notice of Meridian Energy Limited's wish to be party to proceedings pursuant to
section 274 of the RMA**

9 December 2024

Section 274 party's solicitors:

Michael Garbett | Rebecca Kindiak

Anderson Lloyd

Level 12, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX Box YX10107 Dunedin

p + 64 3 477 3973

michael.garbett@al.nz | rebecca.kindiak@al.nz

**anderson
lloyd.**

To the Registrar

Environment Court

Wellington

- 1 Meridian Energy Limited gives notice it wishes to be party to the following proceedings:

Winstone Aggregates v Greater Wellington Regional Council (ENV-2024-WLG-000051) being an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 (**RMA**), against parts of the decision of the Greater Wellington Regional Council (**GWRC**) on Change 1 and Variation 1 to the Wellington Regional Policy Statement (**RPS**).

- 2 Meridian Energy Limited:
 - (a) made a submission and a further submission about the subject matter of the proceedings; and
 - (b) is a person with an interest in the proceedings which is greater than the general public, being a Crown majority-owned publicly listed company undertaking renewable electricity generation activities, and with a special interest in implementing national direction under the National Policy Statement for Renewable Electricity Generation (**NPS-REG**).
- 3 Meridian Energy Limited is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 Meridian Energy Limited is interested in those parts of the proceeding identified in Attachment 1, concerning the issues identified in Attachment 1, and seeks the relief in Attachment 1 and any ancillary relief to that identified in Attachment 1.
- 5 Meridian Energy Limited agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 9th day of December 2024

m. garbett.

Michael Garbett/Rebecca Kindiak
Counsel for the Meridian Energy Limited

This document is filed by Michael Garbett, solicitor for the Section 274 party, of the firm Anderson Lloyd.

The address for service of the Section 274 party is
Level 12, Otago House, 477 Moray Place, Dunedin 9016.

Documents for service on the filing party may be left at that address for service or may be:

- (a) posted to the solicitor at Private Bag 1959, Dunedin 9054; or
- (b) left for the solicitor at a document exchange for direction to DX Box YX10107 Dunedin; or
- (c) transmitted to the solicitor by fax to + 64 3 477 3184; or
- (d) emailed to michael.garbett@al.nz and ellie.taffs@meridianenergy.co.nz.

Advice

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

Attachment 1: Specific provisions of Winstone Aggregate's appeal in which Meridian has an interest

Provision in which Meridian has a s274 interest	Relief sought by the Appellant	Meridian supports or opposes the appellant's relief sought	Reason for Meridian's support or opposition
Chapter 2A Definitions	<p>Requests deletion of the definitions of:</p> <ul style="list-style-type: none"> - Ecological connectivity - Ecosystem health - Ecosystem processes - Enhancement (in relation to indigenous biodiversity) - Maintain/maintained/maintenance (in relation to indigenous biodiversity) <p>Requests amendment of the definitions of:</p> <ul style="list-style-type: none"> (a) Biodiversity compensation (b) Biodiversity offsetting (c) Buffer/buffering (d) Ecological integrity (e) Ecological function (f) Effects management hierarchy (g) Ecological connectivity 	Neither supports or opposes	The implications of the relief sought on Meridian's interests are unclear.

	<ul style="list-style-type: none"> (h) Ecosystem health (i) Ecosystem processes (j) Enhancement (in relation to indigenous biodiversity) (k) Indigenous biodiversity (l) Maintain /maintained /maintenance (in relation to indigenous biodiversity) (m) Naturally uncommon ecosystems (n) Resilience (in relation to an ecosystem) (o) Restoration (in relation to indigenous biodiversity) (p) Threatened ecosystems (q) Threatened or At Risk species (r) Vegetation clearance 		
Policy 23	<p>Amend as follows:</p> <p>Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values <u>and other significant habitats of indigenous fauna</u> – district and regional plans</p> <p>As soon as reasonably practicable and by no later than 4 August 2028 District and Regional Plans shall identify and evaluate indigenous ecosystems and habitats with</p>	Neither supports or opposes	Meridian's interest is in ensuring that any changes to Policy 23 do not remove the exception included in Policies 24 – 24D for REG.

	<p><u>significant biodiversity values; these ecosystems and habitats will be considered significant if:</u> District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if:</p> <p><u>1. District plans shall identify and map indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna in the terrestrial environment that qualify as significant natural areas in accordance with Appendix 1B; and</u></p> <p><u>2. Regional Plans shall identify and map indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna in the coastal marine area, the beds of lakes and rivers, and natural wetlands, that meet one or more of the following criteria.</u></p> <p>(a) representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the Wellington Region, and:</p> <p>(i) are no longer commonplace (less than about 30% remaining); or</p> <p>(ii) are poorly represented in existing protected areas (less than about 20% legally protected).</p> <p>(b) rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological</p>		
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	<p><i>communities and physical features that are unusual or rare.</i></p> <p><i>(c) diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.</i></p> <p><i>(d) ecological context of an area: the ecosystem or has a natural diversity of ecological units, ecosystems, species and physical features within an area.</i></p> <p><i>(i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or</i></p> <p><i>(ii) provides seasonal or core habitat for protected or threatened indigenous species.</i></p> <p><i>(e) mana whenua / Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to <u>mana whenua</u> / tangata whenua, identified in accordance with tikanga Māori.</i></p> <p>Explanation</p> <p>Policy 23 sets out <u>the criteria as guidance that must be met for an considered in identifying indigenous ecosystems and or habitats to be considered to have with significant <i>indigenous biodiversity</i> values. This evaluation is to be completed and the ecosystems and habitats identified as having significant <i>indigenous biodiversity</i> values included in a district or regional plan as soon as reasonably practicable, and by no later than 4 August 2028.</u></p>		
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	<p>Wellington Regional Council, and district and city councils are required to assess <i>indigenous</i> ecosystems and <i>habitats</i> against all the criteria but the relevance of each will depend on the individual cases. To be classed as having significant biodiversity values, an <i>indigenous</i> ecosystem or <i>habitat</i> must <u>meet</u> fit one or more of the listed criteria in Policy 23(1) or (2). Wellington Regional Council and district and city councils will need to engage directly with landowners and work collaboratively with them to identify areas, undertake field evaluation, and assess significance. Policy 23 will ensure that significant biodiversity values are identified in district and regional plans in a consistent way. <u>Policy 23 will ensure that significant biodiversity values are identified in district and regional plans in a consistent way.</u></p>		
Policy 47	<p>Amend as follows:</p> <p><u>Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna – consideration</u></p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a <i>district</i> or <i>regional plan</i>, a determination shall be made as to whether an activity may affect <i>indigenous</i> ecosystems and <i>habitats</i> with significant <i>indigenous biodiversity</i> values, <u>other significant <i>habitats</i> of <i>indigenous</i> fauna, and the <i>ecosystem processes</i> that support these ecosystems and habitats, and in</u></p>	Opposes	Meridian opposes the deletion of the exception in clause (i), which ensures REG is not captured by Policy 47.

	<p>determining whether the proposed activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) <i>maintaining</i> connections within, or corridors between, <i>habitats</i> of indigenous flora and fauna and/or enhancing the connectivity between fragmented indigenous habitats; and (b) providing adequate <i>buffering</i> around areas of significant indigenous ecosystems and habitats from other land uses; and (c) managing <u>natural</u> wetlands for the purpose of aquatic <i>ecosystem</i> health, <u>recognising the wider benefits, such as for <i>indigenous biodiversity, water quality and holding water in the landscape</i></u>; and (d) avoiding the cumulative adverse effects of the incremental loss of <i>indigenous</i> ecosystems and <i>habitats</i>; and (e) providing seasonal or core habitat for <i>indigenous</i> species; and (f) <i>protecting</i> the life supporting capacity of <i>indigenous</i> ecosystems and <i>habitats</i>; and (g) remedying or mitigating <u>minimising or remedying</u> adverse effects on the <i>indigenous biodiversity</i> values where avoiding adverse effects is not practicably achievable <u>except where Clause (i) and (j) apply</u>; and (h) the need for a precautionary approach <u>to be adopted</u> when assessing and managing the 		
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	<p>potential for adverse effects on <i>indigenous</i> ecosystems and <i>habitats</i>, <u>where</u>;</p> <ul style="list-style-type: none"> (i) <u>the effects on <i>indigenous biodiversity</i> are uncertain, unknown, or little understood; and</u> (ii) <u>those effects could cause significant or irreversible damage to <i>indigenous biodiversity</i>; and</u> <p>(i) <u>the provisions to protect significant biodiversity values in Policy 24B, and Policy 24C and the principles for biodiversity offsetting and biodiversity compensation in Policy 24A, except that Policy 24A and Policy 24B do not apply to REG activities and ET activities; and</u></p> <p>(j) <u>the provisions to manage the adverse effects of <i>REG activities</i> and <i>ET activities</i> on significant biodiversity values in Policy 24D; and</u></p> <p>(k) <u>protecting <i>indigenous biodiversity</i> values of significance to <i>mana whenua / tangata whenua</i>, including those associated with a significant site for <i>mana whenua / tangata whenua</i> identified in a <i>regional or district plan</i>; and</u></p>		
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	<p>(l) <u>enabling <i>established activities</i> affecting significant biodiversity values in the terrestrial environment to continue, where the effects of the activities:</u></p> <ul style="list-style-type: none"> (i) <u>are no greater in intensity, scale and character; and</u> (ii) <u>do not result in loss of extent, or degradation of <i>ecological integrity</i>, of any significant biodiversity values; and</u> <p>(m) <u>ensuring that the adverse effects of <i>plantation forestry</i> activities on significant <i>indigenous biodiversity</i> values in the terrestrial environment are managed in a way that:</u></p> <ul style="list-style-type: none"> (i) <u>maintains significant <i>indigenous biodiversity</i> values as far as practicable, while enabling <i>plantation forestry</i> activities to continue; and</u> (ii) <u>where significant biodiversity values are within an existing <i>plantation forest</i>, maintains the long-term populations of any <i>Threatened or At Risk (declining) species</i> present</u> 		
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	<p style="text-align: center;"><u>in the area over the course of consecutive rotations of production.</u></p> <p>Explanation</p> <p>Policy 47 provides an interim assessment framework for councils, resource consent applicants and other interested parties, prior to the identification of ecosystems and habitats with significant indigenous biodiversity values in accordance with policy 23, and the adoption of plan provisions for protection in accordance with policy 24. Remedying and mitigating effects can include offsetting, where appropriate.</p> <p><u>Policy 47 makes it clear that the provisions in Policy 24 and Policy 24A to protect significant <i>indigenous biodiversity</i> values must be considered until those policies are given effect to in regional and <i>district plans</i>. Policy 47 also provides for <i>established activities</i> and <i>plantation forestry</i> activities affecting significant <i>indigenous biodiversity</i> values to continue, provided certain tests are met, consistent with the requirements in the National Policy Statement for Indigenous Biodiversity 2023. The clauses above that relate to Policy 24A, Policy 24B and <i>established activities</i> do not apply to <i>REG activities</i> or <i>ET activities</i>.</u></p> <p>In determining whether an activity may affect significant <i>indigenous biodiversity</i> values, the criteria in <u>Policy 23</u> should be used.</p>		
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	<p>This policy shall cease to have effect once policies 23 and 24 are in place in an operative district or regional plan.</p>		
Policy IE.2A	<p>Requests deletion of Policy IE.2A:</p> <p><u>Policy IE.2A: Maintaining indigenous biodiversity in the terrestrial environment – consideration</u></p> <p><u>When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan or regional plan, indigenous biodiversity in the terrestrial environment that does not have significant indigenous biodiversity values as identified under Policy 23 and is not on Māori land, shall be maintained by:</u></p> <p><u>(a) avoiding, remedying or mitigating the adverse effects of REG activities and ET activities to the extent practicable; and</u></p> <p><u>(b) managing any significant adverse effects on indigenous biodiversity from any other proposed activity by applying the effects management hierarchy; and</u></p> <p><u>(c) managing all other adverse effects on indigenous biodiversity to achieve at least no overall loss in indigenous biodiversity within the Wellington Region or district as applicable.</u></p> <p><u>Explanation</u></p> <p><u>Policy IE.2A recognises that it is important to maintain indigenous biodiversity that does not have significant indigenous biodiversity values to meet</u></p>	Neither supports or opposes	The implications of the relief sought on Meridian's interests are unclear.

	<p>the requirements in section 30(1)(ga) and section 31(b)(iii) of the RMA. This policy applies to indigenous biodiversity that does not have significant values in the terrestrial environment as identified under Policy 23 and requires a more robust approach to managing any significant adverse effects on indigenous biodiversity and to maintain indigenous biodiversity more generally.</p>		
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