

In the Environment Court of New Zealand  
Wellington Registry

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

**ENV-2024-WLG-000044**

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 **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 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:

*Royal Forest and Bird Protection Society of New Zealand Incorporated v Greater Wellington Regional Council* (ENV-2024-WLG-000044) 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 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 Royal Forest and Bird Protection Society of New Zealand Incorporated'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
Policies 24 and 24A	Seeks an amendment to delete the carve-out for renewable energy generation (REG).	Opposes	Meridian considers that there is not a complete carve out for REG – policy 24D provides for REG, and further that the NPS-IB contains an exclusion in Part 1.3(3) for the development, operation, maintenance or upgrade of REG assets and activities.
Policy 24C	Seeks an amendment of the explanation affecting REG.	Opposes	The amendments sought do not match the reasoning provided.
Policy 24CC	Seeks an amendment that affects Regionally Significant Infrastructure (RSI) but not REG.	Opposes	<p>Meridian considers that there is a consistency issue between REG and RSI.</p> <p>Meridian also opposes the requirement for both a functional need and an operational need to justify a location in a coastal environment.</p>
Policy 24D	<p>Amend the heading and chapeau of 24D as follows:</p> <p>Policy 24D: Managing the effects of REG activities and ET activities on indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna <b><u>in the terrestrial environment</u></b> – district and regional plans</p>	Neither supports of opposes	The implications of the relief sought on Meridian's interests are unclear.

	<p>As soon as reasonably practicable, and by no later than 4 August 2028, district and regional plans shall include policies, rules and methods to manage the effects of REG activities and ET activities on indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna <u>in the terrestrial environment to:</u></p>		
Policy 39	<p>Amend the wording of Policy 39 as follows:</p> <p>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, <u>particular regard shall be given to:</u></p> <p>(a) <del>recognise and provide for</del> the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and its transmission through the electricity transmission network; and</p> <p>(b) <del>recognise</del>—the social, economic, cultural, and environmental benefits of other and/or regionally significant infrastructure, including where it contributes to reducing greenhouse gas emissions and provides for climate change mitigation, climate change adaptation and climate-resilience; and</p> <p>(c) <del>have particular regard</del>—to protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and</p>	Opposes	The amendment sought directly contradicts the enabling language that Meridian sought, and achieved via its submission.

	<p>(d) <del>recognise and provide for</del> the operational need and functional the need for renewable electricity generation activities to be in particular locations, including the need facilities to locate where the renewable energy resources exist; and</p> <p>(e) <b>recognise</b> the benefits of utilising the significant wind, solar and marine renewable energy resources within the Wellington Region and the development of the electricity transmission network to connect the renewable energy resource to distribution networks and end-users. In the alternative, amend all other chapeaus under Chapter 4.2 to accurately reflect the verbs employed and statutory weight to be given to matters as prescribed in the higher order policy statements.</p>		
Policy 47	<p>Amend the wording of Policy 47 as follows:</p> <p><b>Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna – consideration</b></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 ecosystems and habitats with significant indigenous biodiversity values, other significant habitats of indigenous fauna, and the ecosystem processes that support these ecosystems and habitats, and in</i></p>	Opposes	The appellant's requested amendments to clauses (g) (i) and (j) directly challenge the carve-out provisions Meridian sought.

	<p>determining whether the proposed activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) providing adequate <i>buffering</i> around areas of significant indigenous ecosystems and habitats from other land uses; and</li> <li>(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</li> <li>(d) avoiding the cumulative adverse effects of the incremental loss of <i>indigenous</i> ecosystems and <i>habitats</i>; and</li> <li>(e) providing seasonal or core habitat for <i>indigenous</i> species; and</li> <li>(f) <i>protecting</i> the life supporting capacity of <i>indigenous</i> ecosystems and <i>habitats</i>; and</li> <li>(g) <del>remedying or mitigating</del> <u>minimising or remedying</u> adverse effects on the <i>indigenous biodiversity</i> values where avoiding adverse effects is not <b><u>possibly practicably achievable except where Clause (i) and (j) apply</u></b>; and</li> <li>(h) the need for a precautionary approach <u>to be adopted</u> when assessing and managing the</li> </ul>		
--	---	--	--

	<p>potential for adverse effects on <i>indigenous</i> ecosystems and <i>habitats</i>, <u>where</u>;</p> <ul style="list-style-type: none"> <li>(i) <u>the effects on <i>indigenous biodiversity</i> are uncertain, unknown, or little understood; and</u></li> <li>(ii) <u>those effects could cause significant or irreversible damage to <i>indigenous biodiversity</i>; and</u></li> </ul> <p>(i) <u>the provisions to protect significant biodiversity values in Policy 24B, and Policy 24C and the principles for <i>biodiversity offsetting</i> and <i>biodiversity compensation</i> in Policy 24A, <del>except that Policy 24A and Policy 24B do not apply to REG activities and ET activities</del>; and</u></p> <p>(j) <del><u>the provisions to manage the adverse effects of REG activities and ET activities on significant biodiversity values in Policy 24D; and</u></del></p> <p>(k) <u>protecting <i>indigenous biodiversity</i> values of significance to mana whenua / <i>tangata whenua</i>, including those associated with a significant site for mana whenua / <i>tangata whenua</i> identified in a <i>regional</i> or <i>district plan</i>; and</u></p>		
--	---	--	--



	<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"> <li>(i) <u>are no greater in intensity, scale and character; and</u></li> <li>(ii) <u>do not result in loss of extent, or degradation of <i>ecological integrity</i>, of any significant biodiversity values; and</u></li> </ul> <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"> <li>(i) <u>maintains significant <i>indigenous biodiversity</i> values as far as practicable, while enabling <i>plantation forestry</i> activities to continue; and</u></li> <li>(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></li> </ul>		
--	---	--	--

	<p style="text-align: center;"><u>in the area over the course of consecutive rotations of production.</u></p> <p><b>Explanation</b></p> <p><del>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.</del></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>		
--	--	--	--

	<del>This policy shall cease to have effect once policies 23 and 24 are in place in an operative district or regional plan.</del>		
--	---	--	--

