

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

ENV-2019-WLG-000123

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

Between

Wellington Water Limited

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) *Wellington Water Limited v Greater Wellington Regional Council*
– ENV-2019-WLG-000123.
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 2.2 Definitions – ‘Upgrade’;
 - (c) Section 2.2 Definitions – ‘Reverse Sensitivity’; and
 - (d) Section 4.2 – Policies P13 and P14;
 - (e) Section 4.10.2 – Policy P138.
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 so that the objective does not only apply to regionally significant infrastructure and renewable energy generation activities in the coastal marine area and beds of rivers and lakes;
- (c) Amendments to the definition of 'upgrade';
- (d) Amendments to the definition of 'reverse sensitivity';
- (e) Amendments to Policies P13 and P14 to make better provision for the protection of regionally significant infrastructure relative to mana whenua values, recreational values, ecological values, historic heritage values and natural character values; and
- (f) Amendments to Policy P138 to clarify the meaning of "practicable" in (e) and/or to ensure that appropriate provision is made for structural works necessary to maintain or upgrade regionally significant infrastructure.

7. Meridian supports the relief sought in respect of issues (a), (b) and (f) 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 by Meridian in its 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 lakes and rivers;
- (c) Meridian supports an enabling framework for the development operation, maintenance and upgrade of regionally significant infrastructure and where the effects can be appropriately managed;

- (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 and the purpose of the RMA being to promote the sustainable management of natural and physical resources.
8. Meridian opposes the relief sought in respect of issue (c) above, including for the following reasons:
- (a) It is appropriate that the definition of 'upgrade' is sufficiently flexible to enable the upgrade of renewable energy generation activities. Meridian is concerned that adding specific parameters is unlikely to fit every likely renewable energy generation scenario. The wording adopted by the Hearing Panel is consistent with the relief sought in Meridian's submission, and in other plans across New Zealand (e.g. the Horizons Regional Council One Plan).
9. Meridian neither supports nor opposes the relief sought in respect of issues (d) and (e) above, including for the following reasons:
- (a) The Appellant has not specified the amendment it seeks to the definition of 'reverse sensitivity'. As this definition has important consequences for the management of renewable energy generation activities, Meridian seeks to ensure that any amendments to the definition do not conflict with Objective O13 and Policy P14 of the Proposed Natural Resources Plan (the **PNRP**).
 - (b) In the absence of proposed wording by the Appellant, Meridian is interested in any amendments to Policies P13 and P14 which specifically relate to providing for and protecting renewable energy generation activities.

10. 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.