

In the Environment Court of New Zealand
Wellington Registry

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

ENV-2024-WLG-000048

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 Plan Change 1 and Variation 1 to the
Wellington Regional Policy Statement

Between **Upper Hutt City Council**

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:

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**anderson
lloyd.**

To the Registrar

Environment Court

Wellington

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

Upper Hutt City Council v Greater Wellington Regional Council (ENV-2024-WLG-000048) 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 Upper Hutt City Council'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
Objective 16	<p>Amend to read:</p> <p>Indigenous ecosystems and habitats with Significant indigenous biodiversity values, and other significant habitats of indigenous fauna, and the ecosystem processes that support these ecosystems and habitats, are protected and, where appropriate, enhanced and/or restored to a healthy functioning state.</p>	Neither supports or opposes	Meridian wishes to ensure that the wording relating to enhancement and restoration "where appropriate" is not lost, and that the language is aligned with the balance of the Regional Policy Statement and the National Policy Statement on Indigenous Biodiversity (NPS-IB).
Objective 22	<p>Amend to read:</p> <p>A compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban areas and rural areas., where: (a) there is sufficient development capacity to meet the needs of current and future generations, improve housing affordability and quality, and provide access to a diversity of housing typologies within neighbourhoods which enable choice; and (b) Māori are able to express their culture and traditions, and the relationship of mana whenua / tangata whenua with their culture, ancestral land, water, sites, wāhi tapu and other taonga is provided for; and (c) Te Mana o te Wai is given effect to; and (d) intensification occurs within existing urban zones in appropriate places where it</p>	Opposes	Meridian made submissions on Objective 22 and supported the wording of clauses (e) and (m). The relief sought by the appellant deletes those clauses.

	<p>is environmentally responsive; and (e) subdivision, use and development is located, designed, and constructed in a way that is climate-resilient and contributes to reducing greenhouse gas emissions; and (f) built environments, including integrated transport infrastructure, meet the health and wellbeing needs of all people, with multi-modal access including active transport, between housing, jobs, community services, centres, green space, and open space; and Page 7 (g) the biophysical characteristics, location, recognised values, capability and limitations of land inform its use and development; and (h) the productive capacity of rural land is retained; and (i) existing urban-zoned land, and infrastructure capacity is used effectively and efficiently; and (j) new or upgraded infrastructure is integrated and sequenced with development; and (k) development densities are sufficient to support the provision and ongoing maintenance of infrastructure; and (l) a variety of residential, commercial, mixed use and industrial development in appropriate locations is provided which contributes to viable and vibrant centres at a range of scales, and industrial based employment locations; and (m) the safe and efficient operation of regionally significant infrastructure is protected from potential reverse sensitivity effects.</p>		
Policy 24	<p>Amend to read:</p> <p>Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity</p>	Opposes	Meridian participated in expert conferencing that generated the Policy suite 24 – 24D, including the exception for renewable energy generation in 24D. The relief sought by the appellant would delete this.

	<p><u>values and other significant habitats of indigenous fauna – district and regional plans</u></p> <p>As soon as reasonably practicable, <u>and by no later than 4 August 2028,</u> D<i>district and regional plans</i> shall include policies, rules and methods to protect <u>indigenous ecosystems and habitats with significant indigenous biodiversity values, other and significant habitats</u> of <i>indigenous fauna</i>, <u>and the ecosystem processes that support these ecosystems and habitats,</u> from inappropriate subdivision, use and development, <u>including by applying:</u></p> <p>(a) <u>Policy 24B to manage adverse effects on significant indigenous biodiversity values in the terrestrial environment; and</u></p> <p>(b) <u>Policy 24C and Policy 24CC to manage adverse effects on indigenous biodiversity values in the coastal environment; and</u></p> <p>(c) <u>Policy 24D to manage the adverse effects of REG activities and ET activities on significant indigenous biodiversity values (these activities are not subject to Policy 24A and Policy 24B).</u></p> <p>Explanation</p> <p><u>Policy 24 applies to provisions in regional and district plans. This requires the protection of significant indigenous biodiversity values in terrestrial, freshwater and coastal environments consistent with section 6(c) of the RMA. It also clarifies the effects management provisions for significant indigenous biodiversity values that need to be applied when giving effect to this policy in regional and district plans. Policies 18A and 18B</u></p>		
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	<p>in this Regional Policy Statement include effects management provisions to manage adverse effects on the values and extent of natural inland wetlands and rivers.</p> <p>Table 16 in Appendix 1 identifies rivers and lakes with significant indigenous ecosystems and habitats with significant indigenous biodiversity values by applying criteria taken from Policy 23 of rarity (habitat for threatened indigenous fish species) and diversity (high macroinvertebrate community health, habitat for six or more migratory indigenous fish species).</p> <p>Policy 47 will need to be considered alongside Policy 24 when changing, varying or reviewing a regional or district plan.</p> <p>Policy 24 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the biodiversity values identified in Policy 23.</p>		
Policy 47	<p>Amend to read:</p> <p>Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna – consideration 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 indigenous ecosystems and habitats with significant <i>indigenous biodiversity values, other or significant habitats of indigenous fauna, and the ecosystem processes that support these ecosystems and habitats, and in</i></p>	Opposes	Some of the amendments proposed by the appellant may not align with the NPS-IB. Meridian seeks to ensure that none of the appellant's amendments conflict with the provisions that support renewable energy generation.

	<p>determining whether the proposed activity is inappropriate particular regard shall be given to:</p> <p>(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna and/or enhancing the connectivity between fragmented indigenous habitats; and</p> <p>(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses; and</p> <p>(c) managing natural wetlands for the purpose of aquatic ecosystem health, recognising the wider benefits, such as for <u>indigenous biodiversity, water quality and holding water in the landscape</u>; and</p> <p>(d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats; and</p> <p>(e) providing seasonal or core habitat for indigenous species; and</p> <p>(f) protecting the life supporting capacity of indigenous ecosystems and habitats; and</p> <p>(g) remediating or mitigating <u>minimising or remediating</u> adverse effects on the <u>indigenous biodiversity</u> values where avoiding adverse effects is not practicably achievable <u>except where Clause (i) and (j) apply</u>; and</p> <p>(h) the need for a precautionary approach <u>to be adopted when assessing and managing</u></p>		
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	<p>the potential for adverse effects on indigenous ecosystems and habitats, where;</p> <p style="padding-left: 40px;">(i) — the effects on indigenous biodiversity are uncertain, unknown, or little understood; and</p> <p style="padding-left: 40px;">(ii) — those effects could cause significant or irreversible damage to indigenous biodiversity; and</p> <p>(i) 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</p> <p>(j) the provisions to manage the adverse effects of REG activities and ET activities on significant biodiversity values in Policy 24D; and</p> <p>(k) protecting indigenous biodiversity values of significance to mana-whenua / tangata whenua, including those associated with a significant site for mana-whenua / tangata whenua identified in a regional or district plan; and</p>		
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	<p>(l) <u>enabling established activities 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 ecological integrity, of any significant biodiversity values; and</u> <p>(m) <u>ensuring that the adverse effects of plantation forestry activities on significant indigenous biodiversity values in the terrestrial environment are managed in a way that:</u></p> <ul style="list-style-type: none"> (i) <u>maintains significant indigenous biodiversity values as far as practicable, while enabling plantation forestry activities to continue; and</u> (ii) <u>where significant biodiversity values are within an existing plantation forest,</u> 		
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	<p><u>maintains the long-term populations of any Threatened or At Risk (declining) species present in the area over the course of consecutive rotations of production.</u></p> <p>Explanation</p> <p><u>Policy 47 makes it clear that the provisions in Policy 24 and Policy 24A to protect significant indigenous biodiversity values must be considered until those policies are given effect to in regional and district plans. Policy 47 also provides for established activities and plantation forestry activities affecting significant indigenous biodiversity 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 established activities do not apply to REG activities or ET activities.</u></p>		
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