

In the Environment Court of New Zealand
Wellington Registry

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

ENV-2024-WLG-000043

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 **Porirua 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:

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:

Porirua City Council v Greater Wellington Regional Council (ENV-2024-WLG-000043) 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 Porirua 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 22	<p>Amend the objective so that it is clear what the outcome sought is, and/or replace as follows:</p> <p><u>The Wellington regional form:</u></p> <p><u>A. Is compact, well designed and has good accessibility between housing, employment opportunities, community services, natural spaces, and open spaces, including:</u></p> <p><u>1. A network and hierarchy of commercial centres which support the primacy of the Wellington city centre followed by: ...</u></p>	Opposes	Meridian seeks retention of the Decisions version – particularly clauses (e) and (m).
Policy 47	<p>Amend the start of Policy 47 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, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, significant indigenous vegetation and other significant habitats of indigenous fauna, and the ecosystem processes that support these ecosystems and habitats, and in determining whether the proposed activity is inappropriate particular regard shall be given to:</p>	Neither supports or opposes.	Meridian seeks consistency of language between the RPS and the NPS-IB

	<p>(...)</p> <p>And, amend the policy to:</p> <ul style="list-style-type: none"> • make clear that it would not apply once the regulatory policies have been given effect to; and • only apply to resource consents (until the above has been achieved). 		
Policy IE.2A	<p>Amend the policy so that:</p> <ul style="list-style-type: none"> • it is a regulatory policy (directing implementation within plans) instead of a consideration policy; and • it gives better gives effect to clause 3.16(2) of the NPS-IB. 	Neither supports or opposes	The implications of the relief sought on Meridian's interests are unclear.
Policy 55	Amend deleting clause (viii)	Opposes	Meridian supported a requested clause (viii): 'protecting Regionally Significant Infrastructure from incompatible or inappropriate adjacent land uses, consistent with Policy 8'. The appellant's proposed amendment deletes this.
Policy 56	<p>Policy 56: Managing development in rural areas – consideration</p> <p>When considering an application for a resource consent or a change, variation or review of a district plan for subdivision, use and development, in <i>rural areas</i> avoid inappropriate development and/or use (as at March 2009), seek to manage adverse effects on rural areas by considering whether the proposal; and in determining whether a proposal is appropriate have</p>	Opposes	Meridian considers that the words 'inappropriate development' in the chapeau of the policy introduce a potential unachievable obstacle. Meridian prefers the Decisions Version of the chapeau.

	<p>regard to the extent to which the proposal: particular regard shall be given to whether:</p> <p>(a) the proposal will result in a loss of <u>retains the productive capability capacity</u> of the rural area, including cumulative impacts that would reduce the potential for food and other <i>primary production</i> and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals; and</p> <p>(b) <u>minimises the potential for reverse sensitivity issues, including on existing production activities, and extraction and distribution of aggregate minerals operations; and</u></p> <p>(c) (b) the proposal will reduce <u>retains or enhances the amenity aesthetic, cultural and open space values in rural areas between and around settlements; and</u></p> <p>(d) <u>provides for mana whenua / tangata whenua values, including the relationship with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga; and</u></p> <p>(e) (c) the proposals location, design or density will <u>supports reductions in greenhouse gas emissions minimise demand for non-renewable energy resources through appropriate location, and design and density of development; and</u></p> <p>(f) — <u>is climate-resilient; and</u></p> <p>(g) — <u>gives effect to Te Mana o Te Wai; and</u></p> <p>(h) — <u>for urban development, is consistent with Policy 55; and</u></p> <p>(i) (d) for other development the proposal</p>		
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	<p>i. has regard to is consistent with the <i>Future Development Strategy</i> the relevant city or district council growth and/or development framework or strategy that addresses future rural development, or</p> <p>ii. where inconsistent with the <i>Future Development Strategy</i> (j) in the absence of a framework or strategy, the proposal would increase pressure for public services and <i>infrastructure</i> beyond existing <i>infrastructure</i> capacity.</p> <p><u>Explanation</u></p> <p><u>Policy 56 considers <i>urban development</i> and rural residential development within the region's <i>rural areas</i>, including potential <i>mixed use development</i> within a settlement zone. The policy seeks to ensure rural development occurs in a manner that maintains the rural environment's character and values, and recognises that development in the rural area can lead to the cumulative erosion of the productive capability of the rural area if not appropriately managed.</u></p> <p><u>The policy also seeks to ensure that reverse sensitivity issues are appropriately considered, and that the amenity, open space, and mana whenua values of the rural area are maintained. Where development in the rural area occurs, it should be consistent with the relevant growth strategy or framework to ensure that rural residential development achieves well-functioning <i>rural areas</i> and aligns with the desired <i>regional form</i>. Development should also be <i>climate-resilient</i> to ensure</u></p>		
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	<u>that rural communities and future urban communities are able to respond to the effects of climate change.</u>		
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