

IN THE ENVIRONMENT COURT OF NEW ZEALAND  
I MUA I TE KŌTI TAIAO O AOTEAROA

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ENV-2024-CHC-38

*IN THE MATTER* of the Resource Management Act  
1991 (“Act”)

*AND*

*IN THE MATTER* of an appeal under clause 14 Schedule  
1 of the Act concerning the **Proposed  
Otago Regional Policy Statement  
2021**

*BETWEEN*

**NEW ZEALAND TRANSPORT  
AGENCY WAKA KOTAHI**

Appellant

*AND*

**OTAGO REGIONAL COUNCIL**

Respondent

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**RMA, S 274 NOTICE BY MERIDIAN ENERGY LIMITED**

**DATED 7 JUNE 2024**

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**Instructing counsel:**

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To The Registrar  
Environment Court  
Christchurch

I, **Meridian Energy Limited**, wish to be a party to the following proceeding:

- (a) The Environment Court appeal reference ENV-2024-CHC-38 concerning an appeal against Otago Regional Council decisions on the Proposed Otago Regional Policy Statement.

I am—

- (a) A person who made a submission about the subject matter of the proceeding, and
- (b) A person with an interest greater than the public generally. Meridian undertakes renewable electricity generation activities across the country and has a special interest in how the national direction under the NPS-REG is implemented.

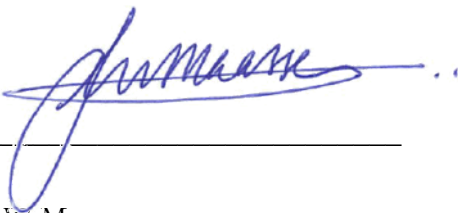
I am not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.

I am directly affected by an effect of the subject of the appeal that—

- (a) Adversely affects the environment and
- (b) Does not relate to trade competition or the effects of trade competition.

I am interested in those parts of the proceeding identified in **Attachment 1** concerning the issues identified in Attachment 1, and I seek the relief in Attachment 1 and any ancillary relief to that identified in Attachment 1.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.



J W Maassen  
Counsel authorised to sign on behalf of Meridian Energy Limited

Date 10 June 2024

Address for service of person wishing to be a party:  
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Fax/email: [Ellie.Taffs@meridianenergy.co.nz](mailto:Ellie.Taffs@meridianenergy.co.nz)  
Contact person: Eleanor Taffs, In-house counsel

**ATTACHMENT 1: SPECIFIC PROVISIONS OF NZ TRANSPORT AGENCY WAKA KOTAHI 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
<b>CE-P5 - Coastal indigenous biodiversity</b>	Delete the criteria relating to SNAs and toaka, and revert back to the notified wording which is consistent with New Zealand Coastal Policy Statement 2010.	Oppose in part	It is not clear from the relief sought which words are sought to be deleted and which words are to be reverted back to. On this basis, it is not possible for Meridian to determine the effects of the relief sought on their interests.
<b>EIT-INF-P13 - Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment</b>	Replace all references to "wetlands" with "natural inland wetlands" so as to be consistent with NPS-FM.	Support	Meridian considers that the relief sought gives better effect to the National Policy Statement for Freshwater Management and is more consistent with Part 2 of the RMA.
<b>New IM objective</b>	<p>Insert new objective which recognises and provides for regionally and nationally significant infrastructure as follows:</p> <p><u>IM-O5 – Regionally and nationally significant infrastructure</u></p> <p><u>The social, economic and cultural well-being of Otago's communities is enabled through the appropriate protection, use and development of regionally and nationally significant infrastructure.</u></p>	Support	Meridian considers that insertion of the Appellant's IM-O5 would better give effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) and the National Policy Statement for Indigenous Biodiversity (NPSIB) and is more consistent with Part 2 of the RMA.

<p><b>APP2</b></p>	<p>Amend as follows:</p> <p>...</p> <p>Attributes of ecological context</p> <p>(3) An area that qualifies as an SNA under this criterion has at least one of the following attributes:</p> <p>...</p> <p><del>(e) an area that is important for a population of indigenous fauna during a critical part of their lifecycle, either seasonally or permanently, e.g. for feeding, resting, nesting, breeding, spawning or refuges from predation.</del></p>	<p>Support</p>	<p>Meridian considers that the relief sought better gives effect to the NPSIB and is more consistent with Part 2 of the RMA.</p>
<p><b>APP3</b></p>	<p>APP3: amend as follows:</p> <p>....</p> <p>(2) When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where:</p> <p>(a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected:</p> <p>(b) effects on indigenous biodiversity are uncertain, unknown, or little</p>	<p>Support</p>	<p>Meridian considers that the relief sought better gives effect to the NPSIB and is more consistent with Part 2 of the RMA.</p>

	<p>understood, but potential effects are significantly adverse or irreversible:</p> <p>(c) there are no technically feasible options by which to secure gains within an acceptable timeframe.</p> <p><del>(d) the loss from an ecological district of any individuals of Threatened taxa, other than kanuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008); or</del></p> <p><del>(e) the likely worsening of the conservation status of any indigenous biodiversity as listed under the New Zealand Threat Classification System (Townsend et al, 2008); or</del></p> <p><del>(f) the removal or loss of health and resilience of a naturally uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna.</del></p>		
<p><b>APP4</b></p>	<p>APP4: amend as follows:</p> <p>...</p> <p>(2) When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of</p>	<p>Support</p>	<p>Meridian considers that the relief sought better gives effect to the NPSIB and is more consistent with Part 2 of the RMA.</p>

	<p>biodiversity compensation not being appropriate include where:</p> <ul style="list-style-type: none"> <li>(a) the indigenous biodiversity affected is irreplaceable or vulnerable;</li> <li>(b) effects on indigenous biodiversity are uncertain, unknown, or a little understood, but potential effects are significantly adverse or irreversible;</li> <li>(c) there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes.</li> <li><del>(d) the loss from an ecological district of Threatened taxa, other than kanuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008); or,</del></li> <li><del>(e) removal or loss of viability of the habitat of a Threatened indigenous species of fauna or flora under the New Zealand Threat Classification System (Townsend et al, 2008);</del></li> </ul>		
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