

**In the Environment Court
I Mua I Te Kōti Taiao O Aotearoa
Auckland Registry
Tāmaki Makaurau Rohe**

ENV-2022-AKL-000036

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

Between

Director-General of Conservation

Appellant

and

Waikato District Council

Respondent

**Notice of Meridian Energy Limited's wish to be party to
proceedings**

22 March 2022

BELL GULLY

BARRISTERS AND SOLICITORS
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To: The Registrar
Environment Court
Auckland

1. Meridian Energy Limited (**Meridian**) wishes to be a party to the following proceedings:
 - (a) *Director-General of Conservation v Waikato District Council – ENV-2022-AKL-000036.*
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 Waikato District.
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:

Part 2: District-wide matters / Natural environment values / ECO – Ecosystems and indigenous biodiversity

 - (a) Policy ECO-P2; and
 - (b) Policy ECO-P3.
6. Meridian is interested in the following particular issue:
 - (a) The proposed amendments to the mitigation hierarchy for indigenous biodiversity in Significant Natural Areas, which seek to require offsetting of residual adverse effects rather than adverse effects that are more than minor.

7. Meridian opposes the relief sought, including for the following reasons:
- (a) Meridian prefers the wording of the Proposed Waikato District Plan (**Proposed Plan**) Decisions Version Policies ECO-P2 and ECO-P3.
 - (b) The RMA is not a “no effects” statute, and does not require all potential adverse effects to be avoided, remedied, mitigated or offset.
 - (c) Meridian considers that requiring the offsetting of residual adverse effects is unduly restrictive and potential applicants should not be required to address *all* adverse effects.
 - (d) Policies ECO-P2 and ECO-P3 are intended to achieve Objective ECO-O1 (‘that indigenous biodiversity in Significant Natural Areas is protected or enhanced’). The stated intention (set out in clause (2) of the Biodiversity offsetting framework in Appendix APP3 of the Proposed Waikato District Plan) is that biodiversity offsetting will achieve no net loss of indigenous biodiversity. The no net loss intention of the biodiversity offsetting policy framework is consistent with the ECO-O1 objective of protecting or enhancing indigenous biodiversity. Meridian considers it is appropriate to allow for minor and less than minor adverse effects within a policy framework that requires overall no net loss of indigenous biodiversity.
 - (e) In addition, the relief sought is inconsistent with the wording of the Waikato Regional Policy Statement, which states that where adverse effects are unable to be avoided, remedied or mitigated, *more than minor* residual adverse effects shall be offset to achieve no net loss in respect of areas of significant indigenous vegetation and significant habitats of indigenous fauna.¹

¹ Policy 11.2.2: Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, Waikato Regional Policy Statement.

- (f) The relief sought by the Appellant fails to give effect to the National Policy Statement for Renewable Electricity Generation (the **NPSREG**) as required by section 75(3) of the RMA;
 - (g) The relief sought is otherwise contrary to Part 2 and the purpose of the RMA being to promote the sustainable management of natural and physical resources.
8. Meridian agrees to participate in mediation or other alternative dispute resolution of the proceedings.



A J L Beatson / H G Watson
Counsel for Meridian Energy Limited

Dated 22 March 2022

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.