

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

ENV-2024-CHC-29

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

**OCEANA GOLD (NEW
ZEALAND) LIMITED**

Appellant

AND

OTAGO REGIONAL COUNCIL

Respondent

RMA, S 274 NOTICE BY MERIDIAN ENERGY LIMITED

DATED 4 JUNE 2024

Instructing counsel:

Eleanor Taffs
In-house counsel
287/293 Durham Street North
Christchurch Central Christchurch 8013
Ph: 03 357 9767
Email: Ellie.Taffs@meridianenergy.co.nz

Counsel acting:

John Maassen
— BARRISTER —

✉ john@johnmaassen.com
🌐 johnmaassen.com
☎ 04 914 1050
🖨 04 473 3179

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-29 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 because Meridian Energy Limited is a State-owned enterprise undertaking renewable electricity generation activities, and I have a special interest in implementing national direction under the NPS-REG;

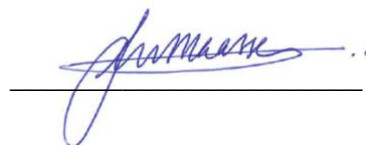
I am not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.

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. I seek the relief necessary to achieve my position and address my reasons given 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 4 June 2024

Address for service of person wishing to be a party:

Telephone: 03 357 9767

Fax/email: Ellie.Taffs@meridianenergy.co.nz

Contact person: Eleanor Taffs, In-house counsel

ATTACHMENT 1: SPECIFIC PROVISIONS OF OCEANA GOLD (NEW ZEALAND) LIMITED'S APPEAL IN WHICH MERIDIAN HAS AN INTEREST

Provision in which Meridian has a s 274 interest	Relief sought by the appellant	Meridian supports or opposes the appellant's relief sought	Reason for Meridian's support or opposition
<p>New definition for “Environmental compensation”</p>	<p>Include a definition of environmental compensation or grant such other relief or consequential amendments which addresses Appellant's concerns.</p>	<p>Oppose.</p>	<p>The Appellant states that “Inclusion of a definition for environmental compensation will aid understanding and interpretation”, however no definition is provided in the Appellant's relief.</p> <p>The National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) requires that when considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied, or mitigated, decision makers shall have regard to offsetting measures and environmental compensation. On this basis, Meridian has an interest in any definition of environmental compensation or other amendments that may be adopted to address the Appellant's concerns.</p> <p>In the absence of a definition being set out in the Appellant's relief, Meridian opposes the relief sought.</p>
<p>IM-P1 – Integrated approach to decision making</p>	<p>IM-P1 is ambiguous and unclear and should be deleted. It is preferable if the individual objectives and policies clearly address conflicts and priorities, rather than leaving it to IM-P1.</p> <p>As an alternative to deleting IM-P1 it should be amended or</p>	<p>Support first relief sought.</p> <p>Oppose alternative relief sought.</p>	<p>Meridian agrees that IM-P1 is not necessary and that the relationship between the provisions in the pORPS should be clear within the provisions themselves.</p> <p>Part (2) of IM-P1 sets out how decisions are to be made when “there is an irreconcilable conflict between any of the relevant RPS and/or statutory provisions which apply to an activity”. Meridian</p>

	grant such other relief or consequential amendments which addresses Oceana Gold's concerns.		<p>considers that it is not appropriate for the content of the pORPS to contain irreconcilable conflicts with statutory provisions. Further to this, Meridian considers that matters (a) to (d) in part (2) of IM-P1 could lead to decisions that do not meet the requirements of the Resource Management Act 1991 and associated national instruments.</p> <p>For these reasons, Meridian supports deletion of IM-P1.</p> <p>The Appellant seeks, as an alternative to deletion of IM-P1, that IM-P1 be amended or other amendments to address the Appellant's concerns. In the absence of specific amendments being identified by the Applicant, Meridian opposes this relief.</p>
ECO-P2 – Identifying significant natural areas and taoka	<p>Make any necessary amendments to ECO-P2 to give effect to any changes to the NPSIB.</p> <p>Or grant such other relief or consequential amendments which addresses Oceana Gold's concerns.</p>	Oppose in part.	Meridian opposes in part the relief sought as it is too vague to determine the implications for Meridian's interests.
ECO-P3 – Protecting Significant Natural Areas and taoka	<p>Make any necessary amendments to ECO-P3 to give effect to any changes to the NPSIB.</p> <p>Or grant such other relief or consequential amendments</p>	Oppose in part.	Meridian opposes in part the relief sought as it is too vague to determine the implications for Meridian's interests.

	which addresses Oceana Gold's concerns.		
ECO-P4 – Provision for new activities	<p>Make any necessary amendments to ECO-P4 to give effect to any changes to the NPSIB.</p> <p>Or grant such other relief or consequential amendments which addresses Oceana Gold's concerns.</p>	Oppose in part.	Meridian opposes in part the relief sought as it is too vague to determine the implications for Meridian's interests.
ECO-P5	<p>Amend ECO-P5 to provide more certainty that all activities (new and existing) could be able to be developed within an appropriately zoned area.</p> <p>Or grant such other relief or consequential amendments which addresses Oceana Gold's concerns.</p>	Oppose in part.	Meridian opposes in part the relief sought as it is too vague to determine the implications for Meridian's interests.
APP2 – Criteria for identifying areas that qualify as indigenous natural areas (SNAs)	<p>Amend APP2 as follows:</p> <p>“The assessment must be done using the assessment criteria in <u>1 to 3 and A to D below Appendix 4</u> and in accordance with the following principles:”</p> <p>Any further amendments to give effect to any changes to the NPSIB, or to correct minor cross-references to Appendix 1.</p>	<p>Support deletion of reference to Appendix 1.</p> <p>Oppose relief addressing possible changes to NPSIB.</p>	<p>Meridian supports deleting the reference to Appendix 1.</p> <p>Meridian opposes “further amendments to give effect to any changes to the NPSIB” and opposes “other relief or consequential amendments which addresses Oceana Gold's concerns” as such relief is too vague to determine the implications for Meridian's interests.</p>

	Or grant such other relief or consequential amendments which addresses Oceana Gold's concerns.		
APP3 – Principles for biodiversity offsetting	Any further amendments to give effect to any changes to the NPSIB. Or grant such other relief or consequential amendments which addresses Oceana Gold's concerns.	Oppose.	Meridian opposes the relief sought as it is too vague to determine the implications for Meridian's interests.
APP4 – Principles for biodiversity compensation	Any further amendments to give effect to any changes to the NPSIB. Or grant such other relief or consequential amendments which addresses Oceana Gold's concerns.	Oppose.	Meridian opposes the relief sought as it is too vague to determine the implications for Meridian's interests.