

**In the Environment Court  
Christchurch Registry**

**ENV -2011-CHC-090**

Under the Resource Management Act 1991  
And in the matter of a resource consent application under sections 87C-I of the RMA

Between

**Meridian Energy Limited**

Applicant

and

**Hurunui District Council and Canterbury Regional Council**

Consent Authorities

---

**Memorandum of Counsel on behalf of Meridian Energy  
Limited**

**16 August 2012**

---

**BELL GULLY**

BARRISTERS AND SOLICITORS

AJL BEATSON

WELLINGTON LEVEL 21, 171 FEATHERSTON STREET

PO BOX 1291, WELLINGTON 6140, DX SX11184, NEW ZEALAND

TEL 64 4 915 6800 FAX 64 4 915 6810

**May it please the Court:**

1. Meridian seeks to file supplementary evidence from Mr Scott Hooson, Mr Ken Gimblett, Mr Peter Rough, and Mr Samuel Chaffey. This memorandum explains why, and briefly outlines the implications of the recent notification of the Proposed Canterbury Land and Water Regional Plan. This memorandum also includes an application to present a witness via audio visual link (**AVL**).

**Supplementary Evidence**

*Scott Hooson*

2. A New Zealand pied oystercatcher in-flight call sequence has recently been detected at the nearby Mt Cass Wind farm site. Mr Scott Hooson's evidence outlines this recent development and makes recommendations. He also appends the Interim Preconstruction Avifauna Monitoring Report dated 14 August 2012 as referred to in his rebuttal evidence.<sup>1</sup>

*Samuel Chaffey*

3. Unfortunately, Mr Russell Maunder (Truescape visual simulations) is unable to attend the hearing because of serious health issues. Meridian seeks to file a brief statement of evidence from Mr Samuel Chaffey who adopts the evidence of Mr Maunder, and will be available to answer any questions about the visual simulations.

*Ken Gimblett*

4. The decisions on the Proposed Canterbury Regional Policy Statement (the **RPS**) were publicly notified on 21 July 2012. Mr Ken Gimblett's supplementary evidence briefly addresses the relevant provisions of the decisions version and these are appended to his evidence. These now effectively replace the notified version. We note any appeals on

---

<sup>1</sup> Para 55, Statement of Rebuttal Evidence of Scott Hooson dated 22 June 2012

the decision can be on points of law only,<sup>2</sup> but there is still the possibility the provisions of the RPS may be amended further.

*Peter Rough*

5. The relevant objectives and policies in Chapter 12 of the RPS are also briefly addressed by Mr Peter Rough. He also appends photographic/DTM simulation prepared from Viewpoint 49 on the property of Annette Marr, 2000 Omih Road to update the indicative simulation appended to Mr Rough's rebuttal evidence.

#### **Proposed Canterbury Land and Water Regional Plan**

6. The Proposed Canterbury Land and Water Regional Plan (the **Proposed Plan**) was publicly notified on 11 August 2012. It is likely Meridian will require consents under this Proposed Plan, which it will need to apply for before it constructs the Project. These consents are likely to be of a similar nature to what Meridian has already applied for under the Canterbury Natural Resources Regional Plan.
7. It is not realistic or necessary to analyse the provisions of the Proposed Plan and apply for any new consents for the Project Hurunui project prior to the hearing given that it is to commence in 10 days time. Instead Meridian considers this matter can be addressed at a later stage if consents are granted by the Court for the Project.

#### **Audio Visual Link (AVL) Application**

8. We refer to paragraph 40 of the Minute and Directions of the Court dated 18 June 2012. Meridian wishes to call Dr Laurence Barea (Meridian's falcon expert) via AVL as he is in Canada and is not available to give evidence in person.

---

<sup>2</sup> Section 66 of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010

9. If the Court grants Meridian's application to call Dr Barea via AVL, Meridian will arrange the necessary technology to facilitate this process.



.....  
**A J L Beatson**  
Counsel for Meridian Energy Limited  
16 August 2012