

**IN THE MATTER** of a resource consent application under  
Section 87C(1) of the Resource  
Management Act 1991 (**the Act**)

**BETWEEN** MERIDIAN ENERGY LIMITED  
(ENV-2011-CHC-000090)  
Applicant

**AND** HURUNUI DISTRICT COUNCIL  
CANTERBURY REGIONAL  
COUNCIL  
Respondents

**BEFORE THE ENVIRONMENT COURT**

**Court:** Judge M Harland sitting alone in Chambers pursuant to section 279 of the  
Act, on the papers

**Date:** 17 August 2012

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**MINUTE IN RELATION TO APPLICATION BY MERIDIAN  
TO FILE SUPPLEMENTARY EVIDENCE**

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**Introduction**

[1] Meridian has filed a Memorandum dated 16 August seeking leave to file supplementary evidence from Mr Scott Hooson, Mr Ken Gimblett, Mr Peter Rough and Mr Samuel Chaffey. There is also an application to present a witness (Dr Barea) via audio visual link ("AVL"). This Minute deals with those applications. Because the hearing is due to commence in less than a week's time (27 August), and because the nature of the applications are limited, I have decided to deal with this matter on the papers without seeking input from the various other parties to the proceedings. I am



Meridian Template [10]

satisfied that any issues relating to fairness will be able to be covered by the directions I intend to make.

### **Supplementary evidence**

#### ***Mr Scott Hooson***

[2] Mr Hooson is an expert in the area of avifauna. Meridian's Memorandum identifies that a New Zealand pied oyster catcher in-flight call sequence has recently been detected at the nearby Mt Cass wind farm site. Meridian seeks to call supplementary evidence from Mr Hooson to outline this recent development and make recommendations in relation to it. It is also intended that he append an interim pre-construction avifauna monitoring report dated 14 August 2012 that has been referred to in his rebuttal evidence dated 22 June 2012.

#### ***Directions***

[3] It is appropriate that this supplementary evidence be filed as it is directly relevant to one of the issues the Court needs to consider in the proceedings.

[4] Any further supplementary evidence by Mr Hooson is to be filed and served on all parties no later than midday 23 August 2012.

#### ***Samuel Chaffey***

[5] Mr Maunder is now unable to attend the hearing because of serious health issues. Meridian seeks to file a brief statement of evidence from Mr Chaffey, who adopts the evidence of Mr Maunder, and will be available to answer any questions about the visual simulations.

#### ***Directions***

[6] I direct any further supplementary evidence by Mr Chaffey be filed and served on all parties no later than midday 23 August 2012.



***Ken Gimblett***

[7] The decisions on the proposed Canterbury Regional Policy Statement ("the CRPS") were publicly notified on 21 July 2012. It is intended that Mr Gimblett's supplementary evidence briefly address the relevant provisions of the decisions version of the CRPS, and these are intended to be appended to his evidence. This is needed because the decisions version of the CRPS now effectively replaces the notified version.

***Directions***

[8] It is appropriate for this evidence to be updated. I direct that any further supplementary evidence by Mr Gimblett be filed and served on all parties no later than midday 23 August 2012.

***Peter Rough***

[9] It is intended that Mr Rough file supplementary evidence dealing with the relevant objectives and policies in chapter 12 of the CRPS. It is also intended that he append photographic/DTM simulation prepared from viewpoint 49 on the property of Annette Marr, 2000 Omihi Road, to update the indicative simulation that has been appended to Mr Rough's rebuttal evidence.

***Directions***

[10] In my view it is appropriate for Mr Rough's evidence to be updated in the manner suggested. I direct that any supplementary evidence by Mr Rough be filed and served on all parties no later than midday 23 August 2012.

***Response by any other party to new supplementary evidence***

[11] As already mentioned, I have decided to deal with this matter on the papers without further input from any other parties. The supplementary evidence is required to be filed by midday 23 August. This will enable the parties to consider it before the hearing starts on 27 August and thereafter. As well, the week of 27 August comprises opening addresses and a site visit, with the evidence in the case not due to commence until the week of 3 September. If there is a need to reply to any of the supplementary



evidence filed, how that should occur can be discussed when the hearing commences on 27 August.

### **AVL application**

[12] Dr Barea, (Meridian's falcon expert) resides in Canada and is not available to give evidence in person. Meridian has applied to have Dr Barea's evidence presented by AVL.


### *Directions*

[13] The application to call Dr Barea by AVL is granted on the basis that Meridian arranges the necessary technology to facilitate this process.

### **The proposed Canterbury Land and Water Regional Plan**

[14] In his Memorandum Mr Beatson identified that the proposed Canterbury Land and Water Regional Plan was publicly notified on 11 August 2012. It is likely that Meridian will require consents under this proposed plan before it constructs the project, should consent be so granted by this Court, which it would need to apply for. Meridian accepts that it is not realistic or necessary to analyse the provisions of the proposed plan and apply for any new consents prior to the hearing, given that the hearing is to commence in 10 days time. Meridian has indicated quite properly in my view that this matter can be addressed at a later stage, if consents are granted by the Court for the project.

DATED this 17<sup>th</sup> day of August 2012

  
M Harland  
Environment Judge

