

BEFORE THE ENVIRONMENT COURT

Decision No. [2011] NZEnvC 348

IN THE MATTER of the Resource Management Act 1991 (**the Act**) and of an appeal pursuant to section 87G of the Act

BETWEEN MERIDIAN ENERGY LIMITED

(ENV-2011-CHC-090)

Applicant

Hearing: In Chambers at Christchurch

Court: Environment Judge J E Borthwick

Date of Decision: 3 November 2011

Date of Issue: 3 November 2011

DECISION ON APPLICATION FOR WAIVER

A: The application for waiver is granted.

REASONS

Introduction

[1] Scott Pearson has applied for a waiver of the time limit within which to give notice of his intention to become a party, under section 274 of the Resource Management Act 1991 (**the Act**), to the following proceeding:



ENV-2011-CHC-090 *Meridian Energy (Direct Referral)*

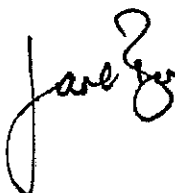

[2] Mr Pearson explains that his section 274 notice was unintentionally lodged out of time due to uncertainties with the process, requirement of time and concern about the potential expense of becoming a party to an Environment Court proceeding. No party has opposed the application.

[3] Section 281 of the Act requires the court to consider whether any of the parties will be unduly prejudiced by the granting of the waiver and then to ask whether it should exercise its discretion to grant the application.

[4] The notice is filed approximately three weeks late and so the delay is slight. No timetabling directions have been issued nor has anything substantive in the proceeding occurred.

[5] On this basis I am satisfied that none of the other parties to these proceedings will be unduly prejudiced by the granting of this waiver. Accordingly, I will exercise my discretion to grant the waiver.

For the Court:

J E Borthwick
Environment Judge

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