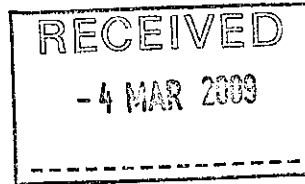


3 March 2009

 Our Reference M Paddison
 Direct Dial 927 2756
 Email michelle.paddison@hobec.co.nz

 Chapman Tripp
 Solicitors
 DX SP20204
 WELLINGTON


Attention Jo Appleyard

**Appeal on Canterbury National Resources Regional Plan - Industrial and Trade Mediation -
Topic - ENV2007-208-000012**

1. We act for TrustPower Limited in the above matter and Meridian Energy Limited is a 274 party.
2. You may recall that we attended a mediation on 17 February 2009 regarding TrustPower's appeal points 4, 5 and 6(c)(i). TrustPower was concerned to have some certainty in relation to whether its activities were included within the industrial and trade rules and in particular, the definition of "industrial or trade premises".
3. ECAN would not agreed to specifically refer to hydro power stations in the policies or rules, but was of the opinion (as are we) that hydro power stations are "industrial and trade premises". ECAN has provided a letter dated 23 February 2009 confirming this position (copy **enclosed**) and on this basis TrustPower has agreed to withdraw its appeal.
4. Please find **attached** for your information a copy of our letter to the Environment Court withdrawing TrustPower's appeal on this issue.

 Yours faithfully
HOLLAND BECKETT
MICHELLE PADDISON
 Solicitor

encl.

 cc Wynn Williams & Co
 DX WP 21518
 CHRISTCHURCH 8140

Attention: Margo Perpick

MPA-130354-253-256-V1:mpa



23 February 2009

Trustpower Limited
C/- Michelle Paddison
Holland Beckett
DX HP40014
Private Bag 12011
TAURANGA

58 Kilmore Street, PO Box 345, Christchurch

General enquiries: 03 365 3828

Fax: 03 365 3194

Email: ecinfo@ecan.govt.nz

Customer services: 03 353 9007

or: 0800 EC INFO (0800 324 636)

Website: www.ecan.govt.nz

RECEIVED

24 FEB 2009


Dear Michelle

HYDRO-ELECTRIC GENERATION FACILITIES AS INDUSTRIAL/TRADE PREMISES

I refer to our discussions at the Environment Court mediation Hearing on 17 February 2009 in which you, on behalf of Trustpower Limited, requested clarification on Environment Canterbury's interpretation as to whether or not hydro-electric generation facilities would be classed as industrial/trade premises in accordance with section 2 of the Resource Management Act 1991 (the RMA) and the rules within Environment Canterbury's Air Plan (Natural Resources Regional Plan Chapter 3: Air Quality).

I can confirm that Environment Canterbury is satisfied that hydro-electric generation facilities fall within the definition of industrial/trade premises contained in section 2 of the RMA and as such Rules AQL38 and AQL41 in the Air Plan would apply to such facilities.

Yours sincerely


Marty Mortiaux
Team Leader
Regulation Advisory and Implementation

Our Ref: INFO/KNOW/1E C09C/15059

Your Ref:

Contact: Marty Mortiaux

3 March 2009

Our Reference M Paddison
Direct Dial 927 2756
Email michelle.paddison@hobec.co.nzThe Registrar
Environment Court
Ministry of Justice
P O Box 2069
CHRISTCHURCH 8140

Attention Rachel Millar/Case Manager

ENV-2007-CHC-000284 TrustPower Limited vs Canterbury Regional Council

1. We act for TrustPower Limited.
2. We advise that TrustPower withdraws Parts 4, 5 and 6(c)(i) of its appeal.
3. We confirm that the Council and TrustPower have agreed that there is no issue as to costs.

Yours faithfully
HOLLAND BECKETT**MICHELLE PADDISON**
Solicitorcc Wynn Williams & Co
DX WP 21518
CHRISTCHURCH 8140

Attention: Margo Perpick

Chapman Tripp
DX SP 20204
WELLINGTON

Attention: Jo Appleyard

MPA-130354-253-255-V1:hae