

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**ENV-2020-AKL-000094**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
I TE TĀMAKI MAKĀURAU ROHE**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Clause 14(1) of Schedule 1

**BETWEEN**

**THE ROYAL FOREST AND BIRD PROTECTION  
SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

**AND**

**WAIKATO REGIONAL COUNCIL**

Respondent

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**NOTICE OF CONTACT ENERGY LIMITED'S WISH TO BECOME A PARTY TO PROCEEDINGS**

**29 September 2020**

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TO:

The Registrar  
Environment Court  
AUCKLAND

1. Contact Energy Limited (“**Contact**”) gives notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that it wishes to be a party to the appeal by The Royal Forest and Bird Protection Society of New Zealand Incorporated (“**Appellant**”) against the Waikato Regional Council’s decision on Proposed Plan Change 1 to the Waikato Regional Plan (“**PC1**”).
2. Contact is a person who has an interest in the proceedings that is greater than the public generally. Contact manages and operates a number of significant geothermal power stations in the Waikato Region geothermal (Wairakei, Te Mihi, Ohaaki, Poihipi and Te Huka). These provide around 8% of New Zealand’s total electricity supply, and have the capacity to power around 470k homes. Contact takes its relationship to the River seriously and is continually working to improve its health, wellbeing and mauri. However, each of these operations rely to varying extents on the take and discharge of water (including geothermal water) from or into the Waikato River, its tributaries, or lands hydraulically connect to the river. These takes and discharges are allowed for by current resource consents and conditions.
3. Contact is also a significant landowner in the Waikato Region with its extensive geothermal steamfields containing wells, vast pipework and other significant equipment, as well as surface activities such as farming, forests, and protected natural areas.
4. Contact made a submission on PC1 dated March 2017.
5. Contact is not a trade competitor for the purposes of section 308C of the RMA.
6. Contact is interested in those parts of the Appellant’s appeal seeking the deletion of all references to offsetting and compensation in the Waikato Regional Plan (including, Policies 3, 5, 12, 13 and 19).
7. Contact opposes the relief sought by the Appellant.
8. Contact’s position is that offsetting and compensation is or can be appropriate in a water quality context. Therefore the Waikato Regional Plan should provide an opportunity for offsetting and compensation measures to be considered during consenting and re-consenting processes.
9. Contact considers that allowing for the provision of offsetting and compensation in the freshwater context in the Waikato Regional Plan would better:
  - a. achieve the purpose, and in particular section 104(1)(ab), of the RMA; and
  - b. align with the National Policy Statement for Freshwater Management 2020 which specifically provides for aquatic offsetting and compensation;<sup>1</sup> and
  - c. align with the objectives, policies and methods of implementation of the Waikato Regional Policy Statement<sup>2</sup>; and

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<sup>1</sup> Clauses 3.21 -3.24 NPSFM 2020.

<sup>2</sup> See implementation methods 8.3.1 and 8.3.3 of the Waikato Regional Policy Statement.

- d. align with the principles underpinning good biodiversity offsetting as set out in with the Guidance on Good Practice Biodiversity Offsetting in New Zealand (August 2014); and
  - e. avoid, remedy and mitigate potential adverse environmental effects and promote the sustainable management of natural and physical resources under section 5 of the RMA.
10. Contact agrees to participate in mediation or other alternative dispute resolution.

**DATED** at Wellington this 29<sup>th</sup> day of September 2020



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**Signature:** Chris Drayton  
**Date:** 29 September 2020  
**Address for Service:** C/- Chris Drayton  
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29 Brandon Street  
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**WELLINGTON**

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**TO:** The Registrar of the Environment Court at Auckland  
[WRC.PC1appeals@justice.govt.nz](mailto:WRC.PC1appeals@justice.govt.nz)

**AND TO:** Waikato Regional Council [PC1Appeals@waikatoregion.govt.nz](mailto:PC1Appeals@waikatoregion.govt.nz)

**AND TO:** The Royal Forest and Bird Protection Society of New Zealand Incorporated  
[w.jennings@forestandbird.org.nz](mailto:w.jennings@forestandbird.org.nz)