

In the Environment Court of New Zealand
at Auckland

I mua i te Kōti Taiao o Aotearoa
I te rohe o Tāmaki Makaurau

ENV-2020-AKL-000102

under: the Resource Management Act 1991

in the matter of: an appeal pursuant to clause 14(1) of the First Schedule
to the Resource Management Act 1991

between: **Federated Farmers of New Zealand Inc**
Appellant

and: **Waikato Regional Council**
Respondent

Notice of Mercury NZ Limited's wish to be party to proceeding

Dated: 28 September 2020

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NOTICE OF MERCURY NZ LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

- 1 Mercury NZ Limited (*Mercury*) wishes to be a party to the appeal by Federated Farmers of New Zealand Inc (*Federated Farmers*) against a decision of the Waikato Regional Council on Proposed Plan Change 1 to the Waikato Regional Plan (*PC 1*).

Mercury's interest in these proceedings

- 2 Mercury is a person who made a submission and a further submission about the subject matter of the proceedings.
- 3 Mercury is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (*RMA*).
- 4 Mercury is interested in those issues that may affect its ability to operate, maintain, upgrade and develop its renewable electricity generation assets (in particular the Waikato Hydro System), including Objective 3.

Relief opposed by Mercury

- 5 Mercury opposes the Notice of Appeal's request to amend Objective 3 to specifically include "hydro dams" because it does not:
- 5.1 Promote the efficient use and development of natural and physical resources;
 - 5.2 Meet the reasonable foreseeable needs of future generations;
 - 5.3 Result in the most appropriate plan provisions in terms of section 32 of the RMA; or
 - 5.4 Give effect to higher order planning documents under section 67(3) of the RMA including the National Policy Statement for Renewable Electricity Generation 2011 and the Waikato Regional Policy Statement.
- 6 Without limiting the generality of the above, the specific reasons for Mercury's opposition of Federated Farmers' relief and reasons for that relief with respect to Objective 3 include that:
- 6.1 The Notice of Appeal seeks to amend Objective 3 to recognise that all sectors (including hydro dams), not just farming, contribute to the issues associated with PC 1's four target contaminants.
 - 6.2 Mercury opposes this relief on the basis that Objective 3 is generic in nature. It does not refer to farming activities and it is therefore not necessary for it to specify its application to non-farming sectors.
 - 6.3 Additionally, it is inappropriate to amend Objective 3 to seek to capture hydro dams as a particular activity of relevance given that:

- (a) Hydro dams are not a source of the four PC 1 target contaminants and do not contribute to the overall contaminant load of those contaminants; and
- (b) Hydro dams are not the primary focus of PC 1 and water allocation and quantity issues are beyond the scope of PC 1.

Mediation

- 7 Mercury agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of Mercury NZ Limited by its solicitors and authorised agents
Chapman Tripp



Catherine Somerville-Frost
Partner
28 September 2020

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch