

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-000084

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*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:* **Fonterra Co-operative Group Ltd**  
*Appellant*

*and:* **Waikato Regional Council**  
*Respondent*

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

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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 Fonterra Co-operative Group Ltd (*Fonterra*) 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 those parts of the proceedings seeking to provide clarification over the use of the term "water bodies".

**Relief supported by Mercury**

- 5 Mercury supports the Notice of Appeal's clarification sought of the term "water bodies in the Waikato and Waipā River catchments".
- 6 The proposed clarification of the meaning of the term and the proposed consistent use of that term is supported because it:
- 6.1 Results in the most appropriate plan provisions in terms of section 32 of the RMA;
  - 6.2 Gives 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; and
  - 6.3 Ensures consistency with good resource management practice.
- 7 Without limiting the generality of the above, the specific reasons for Mercury's support of Fonterra's proposed definition and use of the term "water bodies in the Waikato and Waipā River catchments" include:
- 7.1 It is appropriate to ensure that all tributaries addressed within the definition are subject to Objective 1.
  - 7.2 A holistic approach to the Waikato River and all its tributaries and constituent parts is consistent with Te Ture Whaimana o Te Awa o Waikato.

**Mediation**

8 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



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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