

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-000085

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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:* **Waipa District Council**  
*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 Waipa District Council 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 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 related to Policies 12 and 13 of PC 1 as they relate to the management and consideration of residual effects of discharges.

**Relief supported by Mercury**

- 5 Mercury supports the relief sought in relation to Policies 12 and 13 because it:
- 5.1 Promotes the sustainable management of natural and physical resources;
  - 5.2 Promotes the efficient use and development of natural and physical resources;
  - 5.3 Meets the reasonable foreseeable needs of future generations;
  - 5.4 Results in the most appropriate plan provisions in terms of section 32 of the RMA;
  - 5.5 Implements the Council's functions of section 30 of the RMA;
  - 5.6 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
  - 5.7 Ensures consistency with good resource management practice.
- 6 Without limiting the generality of the above, the specific reasons for Mercury's support of the relief sought include:
- 6.1 The Notice of Appeal seeks to include a "significance" criteria on the nature of the residual adverse effects that would require the proposal of offsetting and compensation measures (Policy 12, PC 1). Without this qualification, any residual adverse effects, however minor, may require consideration of offsetting and compensation measures.

6.2 Many activities involving the movement and discharge of water have very low or de minimis adverse effects and do not involve discharges of contaminants contributing to overall contaminant load. It is inappropriate and inefficient for such activities to be required to propose offsetting or compensation measures in respect of minor or de minimis effects.

**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



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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