

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-000089

---

*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:* **Waikato Regional Council**  
*Appellant*

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

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

---

Dated: 28 September 2020

---

REFERENCE: Catherine Somerville-Frost (catherine.somerville-frost@chapmantripp.com)

Alana Lampitt (alana.lampitt@chapmantripp.com)

chapmantripp.com  
T +64 9 357 9000  
F +64 9 357 9099

PO Box 2206  
Auckland 1140  
New Zealand

Auckland  
Wellington  
Christchurch



**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 the Waikato Regional Council against its decision 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 PC 1's glossary of defined terms.

**Relief opposed by Mercury**

- 5 Without limiting the generality of the forgoing, Mercury opposes the relief sought with respect to the glossary of defined terms for the following reasons:
- 5.1 The Notice of Appeal seeks to amend the definitions in PC 1 to align with definitions that are established through the Essential Freshwater Work Programme (the National Policy Statement for Freshwater Management 2020 (*NPSFM 2020*) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (*NESF*)).
- 5.2 While Mercury supports the Notice of Appeal's stated intention of ensuring consistency and avoiding ambiguities, without further details regarding how the relief sought will be implemented, the outcome of the relief sought is unclear and is opposed.
- 5.3 The NPSFM 2020 and NESF contain new and amended terms and definitions that were not included in or anticipated by PC 1. The Notice of Appeal does not provide sufficient specificity regarding which of those terms are anticipated to be inserted or redefined, or in which locations the revised definitions will be used. For example, the application of the NESF term "natural wetlands" would be inappropriate in all instances of PC 1's use of the term "wetland", as various PC 1 provisions using "wetland" specifically include constructed wetlands.
- 5.4 Careful consideration and specific details are required in order to assess the effect of such language and definitional changes and whether such changes are appropriate in the context of PC 1. In lieu of those details, Mercury opposes the relief sought.

**Mediation**

- 6 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

Address for service of Mercury:

Mercury NZ Limited  
c/- Catherine Somerville-Frost / Alana Lampitt  
Chapman Tripp  
Level 34, PwC Tower  
15 Customs Street West  
PO Box 2206  
Auckland 1140  
Email address: catherine.somerville-frost@chapmantripp.com /  
alana.lampitt@chapmantripp.com

*Advice*

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