

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-000090

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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:* **Waikato River Authority**  
*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 the Waikato River Authority 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 the definition of 'wetland'.

**Relief supported in part by Mercury**

5 Mercury supports the Notice of Appeal's clarification sought of the term 'wetland' as used in PC 1. However, Mercury opposes the Notice of Appeal's relief sought of inserting a bespoke definition of "wetland" in PC 1 because it:

5.1 would not result in the most appropriate plan provisions in terms of section 32 of the RMA;

5.2 would not give effect to effect to higher order planning documents under section 67(3) of the RMA including the Waikato Regional Policy Statement;

5.3 is inconsistent with good resource management practice; and

5.4 would be inconsistent with the overall resource management planning framework, and would not promote the integrated and sustainable management of natural and physical resources.

6 The specific reasons for Mercury's opposition to this relief include that:

6.1 the Notice of Appeal's relief sought would impose a definition of wetland that, while based on the RMA, is amended to exclude reference to wetlands supporting a "natural ecosystem" and exclude reference to that ecosystem consisting of "animals"; and

6.2 the bespoke definition is inconsistent with the Waikato Regional Policy Statement and the RMA and would potentially lead to confusion with respect to the treatment of artificial or constructed wetlands that do not support natural ecosystems.

**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

Address for service of Mercury:

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*Advice*

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