

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-000094

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: **Royal Forest and Bird Protection Society of New
Zealand Incorporated**
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 Royal Forest and Bird Protection Society of New Zealand Incorporated (*Forest & Bird*) 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 5, 12 and 13.

Relief opposed by Mercury

- 5 Mercury opposes the relief sought in relation to Policies 5, 12 and 13 because it does not:
- 5.1 Promote the sustainable management of natural and physical resources;
- 5.2 Promote the efficient use and development of natural and physical resources;
- 5.3 Result in the most appropriate plan provisions in terms of section 30 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 Forest & Bird's relief include that:
- 6.1 The Notice of Appeal seeks to remove all reference to offsetting and compensation from Policies 5, 12 and 13. Offsetting and compensation can be appropriate in a freshwater quality context and it is inappropriate to remove all reference to such measures. However, Mercury considers that any such offsetting and compensation measures should be voluntary rather than mandatory. Mercury considers that Policies 12 and 13 should be amended as sought in its Notice of Appeal (ENV-AKL-2020-000095).
- 6.2 The Notice of Appeal seeks relief that Policies 12 and 13 only apply to regionally significant infrastructure (*RSI*). Mercury opposes the application of Policies 12 and 13 to RSI generally. RSI, such as the Waikato Hydro System,

that involves discharges but does not contribute to contaminant load should not be subject to Policies 12 and 13.

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

Address for service of Mercury:

Mercury NZ Limited
c/- Catherine Somerville-Frost / Alana Lampitt
Chapman Tripp
Level 34
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