

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-000099

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: **Beef + Lamb New Zealand Limited**
Appellant

and: **Waikato Regional Council**
Respondent

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

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 Beef + Lamb New Zealand Limited (*Beef + Lamb*) 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 Policy 5.

Relief opposed by Mercury

- 5 Mercury opposes the Notice of Appeal's relief sought to expand Policy 5 to apply to all discharges, as the sought relief does not:
- 5.1 Promote the efficient development of natural and physical resources; and/or
- 5.2 Ensure consistency with good resource management practice.
- 6 Without limiting the generality of the above, the specific reasons for Mercury's opposition of the Notice of Appeal's sought relief with respect to Policy 5, include:
- 6.1 The Notice of Appeal seeks to amend Policy 5 to expand its scope to relate to all types of discharges, diffuse and point source.
- 6.2 Compensation and offsetting for non-diffuse discharges is already specifically addressed by Policies 12 and 13.
- 6.3 The Notice of Appeal's sought expansion of Policy 5 could potentially create inconsistencies between the policies in PC 1 as they relate to offsetting and compensation, which would be against the integrated management of discharges and appropriate recognition of the need for a consistent approach to offsetting and compensation.

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:

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Advice

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