

In the Environment Court of New Zealand  
at Auckland

I mua i te Kōti Taiao o Aotearoa  
I te rohe o Tāmaki Makaurau

ENV-2022-AKL-000073

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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 Regional Council**  
*Appellant*

*and:* **Waikato District Council**  
*Respondent*

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

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Dated: 22 March 2022

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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 Waikato Regional Council (*WRC*) against a decision of the Waikato District Council (*WDC*) on the Proposed Waikato District Plan (*PWDP*).

**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 part of the proceedings.

5 The particular part Mercury is interested in relates to the flood hazard provisions of the *PWDP*.

6 Mercury owns and operates the Waikato Hydro Scheme (*Scheme*). As part of the management of the Scheme during periods of high flows Mercury works closely with the Waikato Regional Council (*WRC*) (which is the Statutory Flood Manager). The Scheme can attenuate some, but not all flooding.

**Relief supported by Mercury**

7 Mercury supports the relief sought because it:

7.1 Promotes the sustainable management of natural and physical resources;

7.2 Promotes the efficient use and development of natural and physical resources;

7.3 Meets the reasonably foreseeable needs of future generations;

7.4 Results in the most appropriate plan provisions in terms of section 32 of the *RMA*;

7.5 Gives effect to the Waikato Regional Policy Statement; and

7.6 Ensures consistency with good resource management practice.

8 Without limiting the generality of the above, the specific reasons for Mercury's support of the relief sought includes:

8.1 The Waikato River, its catchment and tributaries are a major waterway, with significant inflows - flooding during times of

high flows is a natural and expected occurrence. There will always be a need for the Waikato River to utilise the natural floodplains that exist downstream of Lake Taupo.

- 8.2 The natural hazard mapping in the PWDP does not cover all flood hazard areas, which means plan users are not made aware of them. The natural hazard provisions also do not adequately manage the risks associated with development of these areas.
- 8.3 The absence of mapping of all flood hazard areas fails to give effect to the WRPS (in particular Objective 3.24 Natural Hazards, Policy 13.2 Floodplain management and Method 13.2.6 Control of development within a floodplain or coastal hazards).
- 8.4 The PWDP does not recognise and provide for the management of significant risks from natural hazards in accordance with section 6(h) of the RMA, and the cascading hierarchy of responsibilities on WRC and WDC in Part 4 of the RMA.

#### **Mediation**

- 9 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  
22 March 2022

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