

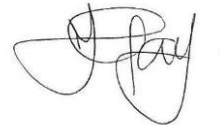
**To: The Registrar
Environment Court
Auckland**

1. The Waikato Regional Council (**WRC**) gives notice that it wishes to be a party to the appeal by Meridian Energy Limited (ENV-AKL-2022-000063) against a decision of the Waikato District Council on submissions on its Proposed Waikato District Plan (**Proposed DP**).
2. WRC made a submission about the subject matter of the proceedings.
 - a. Submission point 81.94 sought amendments to provisions for indigenous vegetation and habitats to provide a mitigation hierarchy for indigenous biodiversity outside of a Significant Natural Area.
 - b. Submission point 81.103 sought Policy 3.2.4 Biodiversity Offsetting be amended to address biodiversity offsets in relation to indigenous biodiversity outside of Significant Natural Areas.
3. WRC is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
4. WRC is interested in the following part of the appeal:
 - a. The request to delete policies ECO-P9 and ECO-P10 which provide for the management of indigenous biodiversity outside Significant Natural Areas (SNAs) through mitigation hierarchy and biodiversity offsetting.
5. The general reasons for WRC's interest in the proceedings are:
 - a. Waikato Regional Policy Statement (WRPS) implementation method 11.1.3 and 11.2.2 provide for biodiversity offsetting within a hierarchy of avoidance, remediation and mitigation and applied to residual adverse effects that cannot be avoided, remedied or mitigated. It does this in slightly different ways for non-significant biodiversity (11.1.3 a ii)) and significant biodiversity (11.2.2 d). Method 11.1.3 seeks that district and regional plans avoid, remedy or mitigate adverse effects first, before promoting offsetting where significant residual adverse effects remain. Method 11.1.3 provides a more flexible approach to offsetting and no net loss than Method 11.2.2 which applies to areas of significant indigenous biodiversity.
 - b. It is important that offsetting in relation to indigenous biodiversity outside of SNAs is also subject to a robust assessment framework. It is important to link offsetting to a mitigation hierarchy to ensure that adverse effects are

avoided, remedied or mitigated before offsetting significant residual adverse effects is considered.

6. WRC opposes the relief sought in the appeal because the new policies ECO-P9 and ECO-P10 satisfy the WRC submission points. Deletion of these policies would not give effect to the WRPS or achieve the sustainable management purpose of the RMA.
7. WRC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Hamilton this 22nd day of March 2022



Tracey May
Director Science, Policy and Information
Waikato Regional Council

Address for service of interested party

Alejandro Cifuentes
Waikato Regional Council
160 Ward Street
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Telephone: 07 859 2786

Email: Alejandro.cifuentes@waikatoregion.govt.nz