

**In the Environment Court
I Mua I Te Kōti Taiao O Aotearoa
Auckland Registry
Tāmaki Makaurau Rohe**

ENV-2020-AKL-000083

In the matter of the Resource Management Act 1991
And in the matter of an application under Section 274 of the Act

Between

Oji Fibre Solutions (NZ) Limited

Appellant

and

Waikato Regional Council

Respondent

**Notice of Genesis Energy Limited's wish to be party to
proceedings**

21 September 2020

BELL GULLY

BARRISTERS AND SOLICITORS

N J GARVAN / H G WATSON

AUCKLAND LEVEL 22, VERO CENTRE, 48 SHORTLAND STREET

PO BOX 1149, AUCKLAND 1140, DX CP20509, NEW ZEALAND

TEL 64 9 916 8800 FAX 64 9 916 8801

EMAIL NATASHA.GARVAN@BELLGULLY.COM / HANNAH.WATSON@BELLGULLY.COM

To: The Registrar
Environment Court
Auckland

1. Genesis Energy Limited (**Genesis**) wishes to be a party to the following proceedings:

(a) ENV-2020-AKL-000083 *Oji Fibre Solutions (NZ) Limited v Waikato Regional Council*.

2. Genesis made a submission about the subject matter of the proceedings and has an interest in the proceedings that is greater than the interest that the general public has as the owner and operator of nationally significant electricity generation facilities within the Waikato River Catchment.

3. Genesis is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (**RMA**).

4. Genesis is interested in part of the proceedings.

5. Genesis is interested in the following parts of the proceedings:

Diffuse discharges

(a) Policy 5/ Te Kaupapa Here 5;

Point source discharges

(b) Policy 11 / Te Kaupapa Here 11;

(c) Policy 12/ Te Kaupapa Here 12;

(d) Policy 13/Te Kaupapa Here 13;

6. Genesis is interested in the following particular issues:

(a) Offset and compensation measures;

(b) Provision for reasonable mixing; and

(c) Operation and development of regionally significant industry and infrastructure.

7. Genesis conditionally supports the relief sought because –

(a) A clear consenting pathway should be provided for the continued operation and development of regionally significant industry and infrastructure under Policy 11 in order to give effect to the Regional Policy Statement. Having an enabling policy alongside the other policies in statutory documents applicable to water quality in the Waikato Region recognises that regionally significant infrastructure and regionally significant industry provide for social and economic wellbeing. The resource consent process ensures these benefits can occur while also addressing and managing actual and potential adverse environmental and cultural effects (through the consent process and conditions placed on those consents).

(b) There should be no mandatory obligation under Policy 12 to propose measures to offset or compensate any residual adverse effects of discharges. The RMA is not a “no effects” statute. Some level of effect is acceptable and *not all* adverse effects arising from a proposal must be mitigated.

(c) Whilst Genesis agrees that offsets have a place within the suite of measures available to avoid, remedy or mitigate the adverse effects of contaminants, offset measures proposed should be at the discretion of the applicant and utilised to lessen any significant residual effect that remain after options to avoid, remedy and / or mitigate those effects have been explored.

8. Genesis agrees to participate in mediation or other alternative dispute resolution of the proceedings.



N J Garvan / H G Watson
Counsel for Genesis Energy Limited

Dated 21 September 2020

Address for service:

Genesis Energy Limited
C/- Bell Gully
Level 22, Vero Centre, 48 Shortland Street
PO Box 1149
Auckland 1140
Attention: Natasha Garvan / Hannah Watson

Telephone: (09) 916 8800
Facsimile: (09) 916 8801
Email: natasha.garvan@bellgully.com / hannah.watson@bellgully.com

Advice

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