

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

ENV-2020-AKL-000085

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

Between

Waipa District Council

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

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To: The Registrar
Environment Court
Auckland

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

(a) ENV-2020-AKL-000085 *Waipa District Council v Waikato Regional Council*.

2. Genesis made a submission about the subject matter of the proceedings.

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:

Point source discharges

(a) Policy 12/ Te Kaupapa Here 12;

(b) Policy 13/Te Kaupapa Here 13;

Implementation methods/ Ngā tikanga whakatinana

(c) Method 3.11.3.3 Accounting system and monitoring/Te pūnaha kaute me te aroturuki.

6. Genesis is interested in the following particular issues:

(a) Offset and compensation measures;

(b) Reasonable mixing; and

(c) Recognition of regionally significant infrastructure and regionally significant industry.

7. Genesis supports the relief sought because –
- (a) Measures to offset or compensate any residual adverse effects of discharges should not be a mandatory requirement. 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. The proposed amendments to Policy 12 recognise that offset or compensation measures should be utilised to lessen any *significant* residual effect that remain after options to avoid, remedy and / or mitigate those effects have been explored.
 - (b) It is also appropriate for considerations such as staging and reasonable mixing to be included in Policy 12 to determine whether any significant residual adverse effects then need to be offset or compensated.
 - (c) The application of reasonable mixing should not be on a transitional basis as stated in the decisions version of Policy 13 given reasonable mixing is an accepted approach to manage adverse effects of point source discharges, and the financial burden imposed on point source dischargers may be significant and unwarranted.
 - (d) Proposed amendments to Method 3.11.3.3 to provide that owners and operators of regionally significant infrastructure are consulted regarding the location of monitoring in relation to point source discharges will ensure that location of sites chosen for monitoring are the best representation for the Freshwater Management Unit, and are not located in a way that could unfairly restrict the ongoing and future operations of regionally significant infrastructure.

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

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Advice

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