

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

ENV-2020-AKL-000098

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

Between

Wairakei Pastoral 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

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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-000098 *Wairakei Pastoral 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/ Ngā rukenga roha

(a) Policy 5/ Te Kaupapa Here 5.

6. Genesis is interested in the following particular issues:

(a) Offset and compensation measures.

7. Genesis conditionally 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.

(b) 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 effects 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

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Advice

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