

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

ENV-2022-AKL-000063

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

Between

Meridian Energy Limited

Appellant

and

Waikato District Council

Respondent

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

21 March 2022

BELL GULLY

BARRISTERS AND SOLICITORS

N J GARVAN / L M LINCOLN

SOLICITOR FOR THE APPLICANT

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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) *Meridian Energy Limited v Waikato District Council* – ENV-2022-AKL-000063.
2. Genesis made a further 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 (the **RMA**).
4. Genesis is interested in part of the proceedings.
5. Genesis is interested in the following part of the proceedings:
 - (a) Part 2: District-wide matters / Natural environmental values / ECO – Ecosystems and indigenous biodiversity – Policies ECO – P9 and ECO – P10.
6. Genesis is interested in the following particular issue:
 - (a) The framework for managing indigenous biodiversity outside a Significant Natural Area (**SNA**) in the Proposed Plan.
7. Genesis supports the relief sought because—
 - (a) Policies ECO-P9 and ECO-P10 create a protection framework for the management of indigenous biodiversity outside of SNAs that is unnecessarily onerous given the aim of related Objective ECO-O2 and higher order direction in the RMA. Genesis agrees with Meridian that there should be greater flexibility as to how Objective ECO-O2 is achieved, and that it is possible that maintenance and enhancement can be achieved in certain

circumstances by mitigation or offsetting as opposed to avoidance in the first instance; and

- (b) The inclusion of Policies ECO-P9 and ECO-P10 creates internal inconsistencies within the Proposed Plan. As explained in Meridian Energy Limited's notice of appeal, the approach to the management of indigenous biodiversity outside of SNAs is currently inconsistent with the approach to managing indigenous biodiversity within SNAs. In contrast to Policies ECO-P9 and ECO-P10, Policies ECO-P2 and ECO-P3 (that apply to indigenous vegetation within SNAs) include important qualifiers and provide for environmental compensation. There is no sound resource management rationale for this difference in approach.

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



N J Garvan / L M Lincoln
Counsel for Genesis Energy Limited

Dated 21 March 2022

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Advice

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