

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**ENV-2022-AKL-000060**

**IN THE MATTER** The Resource Management Act 1991  
(the **Act**)

**AND**

**IN THE MATTER** of an appeal under clause 14(1) of  
the First Schedule of the Act

**BETWEEN**

**GENESIS ENERGY LIMITED**

**Appellant**

**AND**

**WAIKATO DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF WAIKATO REGIONAL COUNCIL'S WISH TO BE PARTY TO  
PROCEEDINGS**

**DATED 22 MARCH 2022**

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**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 Genesis Energy Limited (ENV-AKL-2022-00060) against a decision of the Waikato District Council on submissions on its Proposed Waikato District Plan (**Proposed DP**).
2. WRC made submissions and a further submission about the subject matter of the proceedings (submissions 81, FS1277 and 2102).
  - a. Submission point 81.101 sought to retain identification of Significant Natural Areas (SNAs) on the district planning maps as notified as it provides landowners with greater certainty and assists with achieving Policy 11.2 of the Waikato Regional Policy Statement (WRPS).
  - b. WRC also made a number of further submission points (submission 1277) seeking to retain mapped extents of SNAs on the planning maps as notified.
  - c. WRC also did not support the s42A report recommendation to remove the majority of SNA from the planning maps and gave evidence in support of the above submission points at the hearing.
  - d. Submission point 2103.09 seeking that activities in all areas at potential high risk from hazards are able to be adequately assessed.
  - e. Submission point 2102.32 supported in part the notified policy for existing infrastructure and utilities in all areas subject to natural hazards. WRC requested an amendment to this policy to provide for activities relating to existing infrastructure and utilities provided that natural hazard risk is not exacerbated or risks increased to other properties.
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 parts of the appeal:
  - a. The request to amend the planning maps to remove the SNA over Genesis' HPS and Scott Farm sites.
  - b. The request to amend Policy NH-P6 and associated rules to provide for ancillary activities and site rehabilitation in areas subject to natural hazards.

5. The general reasons for WRC's interest in the proceedings are:
- a. The request to remove SNAs from the planning maps does not align with the WRC appeal and does not give effect to the WRPS. Policy 11.2 and associated methods of the WRPS seek that areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.
  - b. SNAs identified in the notified version of the planning map were based on WRC SNA data. These should only be removed where there is sufficient evidence that the mapping is incorrect and has been verified by a suitably qualified ecologist.
  - c. Provisions for existing infrastructure and utilities should be subject to the consideration of the effects that such activities (and their associated operation, maintenance and repair) can have on other property or the environment beyond the site.
  - d. It is important that all activities in areas at potential high risk from hazards are able to be adequately assessed.

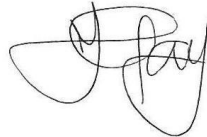
6. In addition to the reasons set out above, WRC opposes the relief seeking to remove SNAs from the planning maps on the basis that it does not give effect to the WRPS or achieve the sustainable management purpose of the Act.

7. WRC supports the relief seeking to include explicit reference to infrastructure and provide for ancillary and site rehabilitation activities because its inclusion is consistent with the WRPS's provision for infrastructure and the management of

land use following a risk-based approach (WRPS Policies 13.1 and 13.2 and associated methods).

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

**DATED** at Hamilton this 22nd day of March 2022



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**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