

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

ENV-2022-AKL-000042

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

Between

Fonterra Co-operative Group 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

LEVEL 22, VERO CENTRE, 48 SHORTLAND STREET

PO BOX 4199, AUCKLAND 1140, DX CP20509, NEW ZEALAND

TEL 64 9 916 8800 EMAIL NATASHA.GARVAN@BELLGULLY.COM / LAURA.LINCOLN@BELLGULLY.COM

To: The Registrar
Environment Court
Auckland

1. Genesis Energy Limited (**Genesis**) wishes to be a party to the following proceedings:
 - (a) *Fonterra Co-operative Group Limited v Waikato District Council* – ENV-2022-AKL-000042.
2. Genesis is a person who 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.
4. Genesis is interested in the following parts of the proceedings:
 - (a) Part 3: Area-specific matters / Zones / Rural zones / GRUZ – General rural zone – Policy GRUZ-P13; and
 - (b) Part 1: Introduction and general provisions / Interpretation – New definition of “reverse sensitivity”.
5. Genesis is interested in the following particular issues:
 - (a) Proposed amendments to Policy GRUZ-P13 to require new sensitive land uses to minimise the potential for reverse sensitivity effects on lawfully established activities, rather than achieve adequate separation distances from infrastructure; and
 - (b) The proposed inclusion of a new definition of “reverse sensitivity” in the Proposed Plan.
6. Genesis opposes the relief sought in respect of issue (a) because—
 - (a) Genesis considers that the use of separation distances is a valid, effective, and direct method for managing potential reverse

sensitivity effects on existing land uses and should remain in the policy; and

- (b) The relief sought requires subjective assessment and may not always adequately manage reverse sensitivity effects. Genesis considers it is crucial that new or extended sensitive land uses achieve adequate separation distances from its infrastructure, and from site boundaries.

7. Genesis neither supports nor opposes the relief sought in respect of issue (b) because—

- (a) Genesis considers that the meaning of “reverse sensitivity” has been established through case-law and is generally well-understood by practitioners;
- (b) In the event that a definition of “reverse sensitivity” is included in the Proposed Plan, Genesis considers it should be consistent with higher order documents. To this effect, the relief sought is consistent with the definition of “reverse sensitivity” in the Waikato Regional Policy Statement.

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

Address for service:

Genesis Energy Limited
C/- Bell Gully
PO Box 4199
Shortland Street
Auckland 1140
Attention: N J Garvan / L M Lincoln

Telephone: (09) 916 8956 or (09) 916 8800

Email: natasha.garvan@bellgully.com / laura.lincoln@bellgully.com

Advice

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