

ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI

ENV-2024-CHC-91

In the matter of

**AN APPEAL UNDER CLAUSE 14 OF THE FIRST
SCHEDULE OF THE RESOURCE MANAGEMENT ACT
1991**

And

In the matter of

**PROPOSED PLAN CHANGES 23 AND 26 OF THE
MACKENZIE DISTRICT PLAN**

Between

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INC**

Appellant

And

MACKENZIE DISTRICT COUNCIL

Respondent

**NOTICE OF GENESIS ENERGY LIMITED'S WISH TO BE A SECTION 274
PARTY TO THE PROCEEDINGS**

7 October 2024

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

Solicitor Acting: **David Allen / Victoria Brunton**

Email: david.allen@buddlefindlay.com

Tel 64 4 462 0423 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

TO: The Registrar
Environment Court
Christchurch

1. Genesis Energy Limited (**Genesis**) wishes to be a party to the appeal proceedings lodged by Royal Forest and Bird Protection Society of New Zealand Inc (**the Appellant**) in respect of the decisions on the Proposed Plan Change 23 (General Rural Zone, Natural Features and Landscapes, Natural Character) (**Plan Change 23**) and Proposed Plan Change 26 (Renewable Electricity Generation and Infrastructure) (**Plan Change 26**) to the Operative Mackenzie District Plan (the **Plan**), which were publicly notified on 5 August 2024 (the **Decisions Version**).
2. Genesis has an interest in the proceedings that is greater than the interest that the general public has in that it owns and operates the existing Tekapo Power Scheme (**TPS**) in the Mackenzie Basin which, depends on the sustainable use of the environment regulated by Plan Changes 23 and 26.
3. The TPS is a hydro renewable electricity generation scheme located at the head of the Waitaki Valley and comprises two power stations (Tekapo A and B), Lake Tekapo and its associated inflows, and the Tekapo Canal. Together the TPS and power stations operated by Meridian Energy comprise the Waitaki Power Scheme (**WPS**).
4. The TPS operates under a suite of resource consents granted by the Mackenzie District Council and Canterbury Regional Council (Environment Canterbury).
5. The TPS is critical at both national and regional levels for a secure and reliable supply of electricity, generating electricity to power approximately 120,000 households as well as providing water into Lake Pukaki (which then feeds Meridian Energy's Ohau power stations).
6. Genesis made submissions about the subject matter of the proceedings. Its submissions, dated 26 January 2024, generally supported (with amendment) the notified provisions in Plan Changes 23 and 26. However, Genesis opposed or otherwise sought amendments to provisions that could impact the ongoing operation, maintenance and upgrade of the WPS, including the TPS.
7. Genesis is not a trade competitor for the purposes of sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).

8. Genesis is interested in the following parts of the proceedings:
 - (a) appeal points¹ 11 - 31 listed in Table 1 appended to the Appellant's notice of appeal; and
 - (b) all associated and / or ancillary matters that may affect the TPS and / or the WPS.
9. Genesis generally supports² the provisions in the Decisions Version. Genesis opposes the grounds and relief sought by the Appellant, in so far as it may hinder the ongoing operation, maintenance and upgrade of the WPS, including the TPS, because it is inconsistent with:
 - (a) the purpose and principles of the RMA outlined in Part 2;
 - (b) the National Policy Statement for Renewable Electricity Generation;
 - (c) the National Policy Statement for Indigenous Biodiversity;
 - (d) the Canterbury Regional Policy Statement (and other relevant Ecan regional plans);
 - (e) integration of the district plan;
 - (f) section 32 of the RMA; and
 - (g) requirements for district plans set out in sections 72, 74 and 75 of the RMA.
10. Genesis agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Victoria Brunton
Counsel for Genesis Energy Limited

Date: 7 October 2024

¹ Appeal points refer to the appeal points raised in Table 1 attached to Forest and Bird's Notice of Appeal.

² Genesis notes that it has filed a section 274 notice in support of Meridian Energy Ltd's appeal against the Decisions of the Mackenzie District Council on Plan Change 26.

Address for service of person wishing to be a party:

Genesis Energy Limited
c/- Victoria Brunton
Buddle Findlay
Level 17, Aon Centre
1 Willis Street
Wellington

PO Box 2694, Wellington 6140
Phone: 04 462 0452
Mobile: 021 0873 6954
Email: victoria.brunton@buddlefindlay.com