



Further Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Mackenzie District Plan Changes 23, 25, 26 and 27

1 March 2024

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To: Mackenzie District Council
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Date: 1 March 2024

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1. Introduction

Genesis Energy Limited, trading as Genesis (“Genesis”) makes specific further submissions on Proposed Plan Changes 23, 25, 26 and 27 to the Mackenzie District Plan as set out in the table below.

Genesis wishes to be heard in support of this submission.

In accordance with Clause 8(1)(b) of the First Schedule of the Resource Management Act 1991, Genesis has an interest in Proposed Plan Changes 23, 25, 26 and 27 to the Mackenzie District Plan greater than the interest of the general public.

Genesis does not gain an advantage in trade competition through this submission.

If other persons make a similar submission, then Genesis would consider presenting joint evidence at the time of the hearing.

Nāku noa, nā



Alice Barnett
Environmental Policy and Planning Manager

Plan Change 23 – Further Submissions

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
General Rural Zone						
Helios Energy Limited	8.01	GRUZ-P4	Delete GRUZ-P4.2 on the basis that it is inconsistent with the NPS-HPL.	Support	The relief sought in this submission is supported on the basis that encouraging the increase of the productive capacity of highly productive land is inconsistent with the NPS-HPL.	Accept submission

Plan Change 25 – Further Submissions

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Interpretation						
Meridian Energy Limited	19.05	Reverse Sensitivity	Insert the definition of reverse sensitivity that is included in PC23.	Support	The relief sought in this submission is supported on the basis that the term “reverse sensitivity” is used in RLZ-R7 but is not defined in PC25.	Accept submission

Plan Change 26 – Further Submissions

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Interpretation						
Chorus, Connexa, FortySouth, One NZ, Spark**	2.01	Regionally Significant Infrastructure	Amend definition to refer to telecommunication “networks” instead of telecommunication “facilities” as notified.	Oppose	The relief sought could inadvertently exclude telecommunication facilities not directly associated with telecommunication network providers, such as those associated with the operation of electricity generation, distribution and transmission.	Disallow submission
Director General of Conservation	3.02	Regionally Significant Infrastructure	Amend definition to include National, regional and local renewable electricity generation activities of any scale into the definition.	Oppose	While the sentiment of the relief sought is supported, the inclusion of REG activities to the definition could result in confusion on the basis that REG activities are not managed by the INF chapter but are managed under the REG chapter which does not refer to ‘regionally significant infrastructure’.	Disallow submission
Helios Energy Limited	4.02					
Nova Energy Limited	6.06					
Canterbury Regional Council	19.03					
Nova Energy Limited	6.05	Transmission Line	Delete reference to the national grid within the definition to ensure transmission lines between electricity generation infrastructure and distribution networks are included, as well as the national grid.	Support	Support the relief sought on the basis that the definition should include transmission lines between electricity generation infrastructure and distribution networks as well as the national grid.	Accept Submission
Opuha Water Limited (OWL)	16.03	Upgrade	Amend the definition of “upgrade” to include new buildings and structures required for the purpose of increasing the capacity, operational efficiency,	Support	The inclusion of buildings and structures required for the purpose of upgrades is appropriate.	Accept Submission

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			security of safety or existing assets and activities.			
Infrastructure						
Opuha Water Limited (OWL)	16.04	Introduction	(a) Retain the approach of the chapter to govern infrastructure activities in overlays such as SASM and NTC through the rules contained in the INF and REG chapters; (b) Amend PC26 as necessary to ensure explanations of the relation of provisions between chapters is contained consistent, either within the introduction or as a “note to plan users” within the rules.	Support	Support the management of infrastructure and renewable electricity generation activities in overlay areas through the rules contained in the INF and REG chapters. The explanation of how rules for infrastructure and renewable electricity generation activities interrelate with rules in other chapters in a consistent manner across the district plan is also supported.	Accept submission
Meridian Energy Limited	18.22	INF-R2	Retain as notified.	Support	It is appropriate to permit upgrading of above ground infrastructure subject to the ‘scale/size’ limits.	Accept submission
Meridian Energy Limited	18.23	INF-R4	Retain as notified.	Support	It is appropriate to permit temporary infrastructure.	Accept submission
Meridian Energy Limited	18.25	INF-R7	Retain as notified.	Support	It is appropriate to permit below ground infrastructure subject to compliance with INF-S1 and EW-S4.	Accept submission
Meridian Energy Limited	18.26	INF-R18	Retain as notified.	Support	It is appropriate to permit network utility operation, infrastructure and electricity generation activities that connect to the National Grid within the National Grid Yard subject to INF-S4.	Accept submission
Meridian Energy Limited	18.27	INF-S4	Retain as notified.	Support	INF-S4 is appropriate for managing potential effects in the National Grid Yard.	Accept submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Renewable Electricity Generation						
Director General of Conservation	3.07	Entire Chapter	Amend the introduction so that the whole Ecosystems and Indigenous Biodiversity chapter applies to REG activities.	Oppose	<p>The national significance of REG activities to reducing New Zealand's greenhouse gas emissions is clearly established by the NPS-IB, NPS-REG and the NPS-FM. These national policy statements also recognise that traditional hierarchies for managing the potential effects of most activities will have unintended and inappropriate implications for REG activities.</p> <p>Applying the whole Ecosystems and Indigenous Biodiversity chapter to REG activities will result in inappropriate implications for the development, operation, maintenance, and upgrade of REG activities that are inconsistent with the direction of the NPS-IB or the NPS-REG.</p> <p>No parts of the Ecosystem and Indigenous Biodiversity Chapter should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme.</p>	Disallow Submission
Te Rūnanga o Ngāi Tahu	12.08	Introduction	Amend to include SASM in the list of chapters that apply to REG activities.	Oppose	<p>The proposed change is not considered necessary as REG activities within and around Sites and Areas of Significance to Māori are appropriately dealt with in the REG chapter, and the SASM chapter does not need to apply. It is further considered that applying the SASM chapter to REG activities is problematic as Genesis' primary submission on PC24 may have been more fulsome if it were understood that it would apply to REG activities.</p>	Disallow Submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Royal Forest and Bird Protection Society of New Zealand	13.01	Introduction	Amend to include the entirety of the EIB chapter in the list of chapters that apply to REG activities along with NFL, NATC, and all zone chapters.	Oppose	<p>The national significance of REG activities to reducing New Zealand's greenhouse gas emissions is clearly established by the NPS-IB, NPS-REG and the NPS-FM. These national policy statements also recognise that traditional hierarchies for managing the potential effects of most activities will have unintended and inappropriate implications for REG activities.</p> <p>Applying the whole Ecosystems and Indigenous Biodiversity chapter to REG activities will result in inappropriate implications for the development, operation, maintenance, and upgrade of REG activities that is inconsistent with the direction of the relevant national policy statements.</p> <p>Furthermore, including the NFL, NATC, and all zone chapters in the list of chapters that apply to REG activities will also inappropriately restrict REG activities which is inconsistent with national policy direction.</p>	Disallow Submission
Meridian Energy	18.29	Introduction	Amend the 5 th paragraph of the introduction to identify specific provisions in other chapters that apply to the activities managed in the REG chapter of the plan.	Support in part	<p>The wording as notified is unclear as to what specific provisions do and do not apply to renewable electricity generation activities. It is not appropriate for all of the rules of the Ecosystems and Indigenous Biodiversity Chapter to apply to REG activities, which includes those captured by Rule 1.</p> <p>No parts of the Ecosystem and Indigenous Biodiversity Chapter should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme. For the avoidance of doubt, these provisions include: the Objective, Policies 1, 4, 5, 7 and 8,</p>	Accept submission with exception of reference to Policy 3 of Chapter 19

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					and Rules 2.1.1 and 2.2.1. Policy 3 should not be included in this list.	
Director General or Conservation	3.08	REG-O2	Amend the objective to replace the requirement for adverse effects of REG activities to be <i>“appropriately managed”</i> with <i>“avoided as far as practicable within sensitive areas and Site of Natural Significance [or significant natural areas], and otherwise are minimised.”</i>	Oppose	The relief sought is inconsistent with Policy C2 of the NPS-REG and the broader package of national policy direction. Genesis considers that the management of potential adverse effects of REG activities needs to recognise its national significance and have particular regard to the functional or operational of such activities.	Disallow submission
Environmental Defence Society Incorporated	10.04	REG-P4	Include environmental limits, for example those set out in INFP7(1) – (5), and require avoidance of adverse effects if limits cannot be achieved.	Oppose	The nature of the environmental limits suggested by the submitter along with how these will be incorporated into REG-P4 is uncertain and would likely result in an inappropriate restriction on REG investigation activities which is inconsistent with the direction of the relevant national policy statements which emphasise their national significance.	Disallow submission
Royal Forest and Bird Protection Society of New Zealand Inc	13.05	REG-P4	Amend the policy so that investigation and small-scale REG activities are provided for instead of enabled. In addition, add two new policies in recognition of the unique biodiversity and landscape as follows: (a) Solar REG in the Mackenzie Basin subzone is limited to existing lawfully established buildings; and	Oppose	This change would unduly restrict REG activities within the Mackenzie Basin in a manner inconsistent with the National and Regional Policy directions for REG activities. The national significance of REG activities is such that limiting any solar or wind related REG is a direct contradiction to national policy direction.	Disallow submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
			<p>(b) Wind turbines for REG in the Mackenzie Basin subzone is limited to small and community scale activities</p> <p>Further add or amend rules so that:</p> <ul style="list-style-type: none"> (a) Solar not in line with the new policy above is an RDIS activity; (b) Wind for small or community scale of no more than 2 turbines is RDIS; (c) Where (a) or (b) are not complied with the activity is NC. (d) Include effects on IB and NATC and cultural values as matters of discretion for (a) and (b) 			
Environmental Defence Society Incorporated	10.05	REG-P5	Include environmental limits for landscape and indigenous biodiversity in the policy (for example those set out in INFP7(1) - (5) for indigenous biodiversity), and require avoidance of adverse effects if limits cannot be achieved. Amend to make clear what the relationship between this policy and policy REG-P6 is.	Oppose	The nature of the environmental limits suggested by the submitter along with how these will be incorporated into REG-P4 is uncertain and would likely result in an inappropriate restriction on REG investigation activities which is inconsistent with the direction of the relevant national policy statements which emphasise their national significance.	Disallow submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Royal Forest and Bird Protection Society of New Zealand Inc	13.06	REG-P5	Amend to refer to 'ECO' chapter policies for managing adverse effects of REG activities on indigenous biodiversity.	Oppose	<p>The NPS-IB, NPS-REG and the NPS-FM recognise that traditional hierarchies for managing the potential effects of most activities will have unintended and inappropriate implications for REG activities.</p> <p>Amending REG-P5 to refer to the EIB policies for managing adverse effects of REG activities will result in inappropriate implications for the development, operation, maintenance, and upgrade of REG activities that is inconsistent with the direction of the relevant national policy statements.</p>	Disallow submission
Director General of Conservation	3.09	REG-P6	Align Effects Management Hierarchy with "best practice".	Oppose	<p>The NPS-IB, NPS-REG and the NPS-FM recognise that traditional hierarchies for managing the potential effects of most activities will have unintended and inappropriate implications for REG activities.</p> <p>Amending REG-P6 to align the effects management approach to reflect that of the NPS-IB will result in inappropriate implications for the development, operation, maintenance, and upgrade of REG activities against the direction of the NPS-IB and the NPS-REG.</p>	Disallow submission
Environmental Defence Society Incorporated.	10.06	REG-P6	Include environmental limits for landscape and indigenous biodiversity in the policy and require avoidance of adverse effects if limits cannot be achieved. Amend to make clear what the relationship between this policy and policy REG-P5 is.	Oppose	This change will unduly restrict REG activities in a manner that is inconsistent with the national and regional policy direction for REG activities.	Disallow submission
Royal Forest and Bird Protection	13.07	REG-P6	Amend policy so that provision for REG in sensitive areas is only considered	Oppose	The direct reference to provisions in Chapter 19 sought by the relief is inconsistent with the direction of the NPS-REG	Disallow submission

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Society of New Zealand			within sensitive areas when adverse effects on indigenous biodiversity and be managed in accordance with the EIB objectives and policies; and Amend policy so that Function need “and” operational need are demonstrated for REG within sensitive areas.		and the NPS-IB and will unduly restrict REG activities. The submission fails to recognise both the national significance of REG activities to reducing New Zealand’s greenhouse gas emissions and that traditional hierarchies for managing the potential effects of most activities will have unintended and inappropriate implications for REG activities.	
Te Rūnanga o Ngā Tahu	12.17	REG-P5 REG-P6 REG-R7	Amend REG-R7 activity status from DIS to NC (New REG within sensitive areas) and amend Policies REG-P5 & REG-P6 to reflect concerns regarding scale of effects.	Oppose	The submission seeks to amend the status of New REG activities from Discretionary to Non-Complying along with corresponding amendments to policies REG-P5 and REG-P6 to reflect the change in activity status. This is inconsistent with the strong national and regional policy direction to enable and provide for REG while appropriately managing adverse effects. The matters of concern are dealt with by matters of discretion and decision making criteria and changing the activity status will not afford any further protection.	Disallow submission
Royal Forest and Bird Protection Society of New Zealand Inc	13.08	REG-R1 & REG-R2	Imposition of permitted activity standards relating to vegetation clearance and the creation of an RDIS or DIS rule where compliance is not achieved.	Oppose	The clearance of indigenous vegetation associated with the operation, maintenance and upgrade of the Waitaki Power Scheme are already appropriately managed by the provisions of Rule 2 within the Ecosystems and Indigenous Biodiversity Chapter that would continue to apply to the activities relevant to REG-R1 and REG-R2, and the relief sought by the submission unduly restricts REG activities.	Disallow submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Canterbury Regional Council	19.06	REG-R2	Add a definition of the “core sites” of the Waitaki Power Scheme.	Oppose	A definition of “Core Sites” already exists in the definitions section of the Mackenzie District Plan which was incorporated through PC18.	Disallow submission
Director General of Conservation	3.10	REG-R4	Amend the rule to restrict the development of new REG activities associated within an existing hydroelectric power station, including associated structures to within the footprint of the existing hydroelectric power station. This relief is sought to prevent any new REG “associated with” an existing hydroelectric power station being a controlled activity (e.g. the addition of wind turbines in the vicinity of an existing dam, without any ability to manage the effects of that wind generation).	Oppose	Genesis does not consider that the restriction of the development to within the footprint of the existing hydroelectric power station or amending the activity status to discretionary is necessary.	Disallow Submission
Royal Forest and Bird Protection Society of New Zealand Inc	13.10	REG-R4	Change activity status from CON to RDIS and where compliance is not achieved with RDIS standards then activity status is NC.	Oppose	Genesis does not consider amending the activity status to restricted discretionary is necessary.	Disallow submission
Royal Forest and Bird Protection Society of New Zealand Inc	13.12	REG-R5	Reduce the duration of investigation activities to 12 months at the PER level and include a condition that there is no vegetation clearance, and amend the rule so that the permitted standards of the relevant zones also apply.	Oppose	60 months is the minimum time required to undertake a useful investigation of wind resources allowing for seasonal and annual variations. The national policy direction is enabling of investigation activities and the proposed relief is unnecessarily restrictive.	Disallow submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Royal Forest and Bird Protection Society of New Zealand Inc	13.14	REG-R7	Amend activity status of other REG outside of specified areas from RDIS to DIS, and within specified areas from DIS to NC.	Oppose	The relief sought is inconsistent with the strong national and regional policy direction to enable and provide for REG and fails to appropriately recognise the national significance of the need to develop, operate, maintain and upgrade REG activities throughout New Zealand, along with the benefits of REG.	Disallow submission
Canterbury Regional Council	19.07	REG-R7	Seeks further clarify on how the offsetting and compensation principles in EIB chapter would apply to activities considered under REG-R7. Amend REG-MD4 to include direct reference to Section 19 (Ecosystem and Indigenous Biodiversity).	Oppose	Genesis does not consider that direct reference to Section 19 in the matters of discretion is necessary or appropriate.	Disallow submission
Environmental Defence Society Incorporated	10.07	REG-MD4	Inclusion of a specific matter of discretion relating to indigenous biodiversity.	Oppose	The inclusion of an additional matter of discretion requiring consideration of the effects on indigenous biodiversity is not necessary as it is already satisfactorily captured by REG-MD4.	Disallow submission
Fire and Emergency New Zealand	1.10	New Matter of Discretion	Addition of a new matter of discretion so that the REG chapter provides for a firefighting water supply in accordance with SNA PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice in order to manage fire risk.	Oppose	Genesis does not consider this additional matter of discretion to be necessary.	Disallow submission
Ecosystems and Indigenous Biodiversity						
Simpson Family Holdings Ltd	9.10	Rule 1.2.5	The submitter seeks to amend either Rule 1.3.2 or alternatively 1.2.5 of the	Oppose in part	Whilst the general intent of the submission that clearance of indigenous vegetation associated with REG activities	Disallow submission

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			Ecosystems and Indigenous Biodiversity Provisions such that the clearance of indigenous vegetation associated with REG does not become a non-complying activity.		should not be a non-complying activity is supported, the relief is opposed on the basis that rule 1.2.5 is redundant as these activities are already addressed by the provisions of the REG Chapter and, along with rule 1.3.2, should not apply to REG activities.	

Plan Change 27 - Further Submissions

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Interpretation						
Meridian Energy	30.01	New Definition – Lifeline Utility	Include the corresponding definition of Lifeline utility infrastructure from PC26.	Support	The inclusion of the lifeline utility infrastructure definition from PC26 into PC27 is appropriate given the relief sought in respect of SUB-MD7.	Accept submission
Transport						
Helios Energy Limited	8.01	TRAN-R1	Amend the rule to include works that are in accordance with an approved land use consent in order to anticipate and allow for the	Support	It is appropriate for the Transport rules to provide for works within the land transport corridor by a non-road controlling authority either in accordance with an	Accept submission

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			situation where repair works undertaken by an entity that is not a road controlling authority.		approved land use consent, or with the written approval of the road controlling authority.	
Subdivision						
Transpower New Zealand Limited	11.06	SUB-O1	Amend Objective SUB-O1 to include provision that requires subdivision design avoids conflict between incompatible intended uses.	Support	The amendment to the subdivision objective is appropriate to give direction to the policies of the subdivision chapter that relate to managing adverse effects from subdivision such as reverse sensitivity.	Accept submission