

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

ENV-2021-CHC-00094

In the matter of **THE RESOURCE MANAGEMENT ACT 1991**

And

In the matter of **AN APPEAL UNDER CLAUSE 14 OF THE FIRST
SCHEDULE OF THE RESOURCE MANAGEMENT ACT
1991 AGAINST MACKENZIE DISTRICT COUNCIL'S
DECISION ON PLAN CHANGE 18 TO THE MACKENZIE
DISTRICT PLAN**

Between **ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED**

Appellant

And **MACKENZIE DISTRICT COUNCIL**

Respondent

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

25 August 2021

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

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

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TO: The Registrar
Environment Court
Christchurch

1. Genesis Energy Limited (**Genesis**) wishes to be a party to the appeal proceedings lodged by the Environmental Defence Society Incorporated (**the Appellant**) in respect of the decisions on the Proposed Plan Change 18 (Indigenous Biodiversity) (**Plan Change 18**) to the Operative Mackenzie District Plan (the **Plan**), which were publicly notified on 25 June 2021 (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 (**TekPS**) in the Mackenzie Basin which, depends on the sustainable use of the environment regulated by Plan Change 18.
3. The TekPS 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 TekPS and power stations operated by Meridian Energy comprise the Waitaki Power Scheme (**WPS**).
4. The TekPS operates under a suite of resource consents granted by the Mackenzie District Council and Canterbury Regional Council (Environment Canterbury).
5. The TekPS is critical at both national and regional levels for a secure and reliable supply of electricity, generating renewable 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 a submission about the subject matter of the proceedings. Its submission, dated 9 March 2018, generally supported (with amendment) the notified provisions in Plan Change 18 relating to the process for managing activities in relation to indigenous biodiversity. However, Genesis opposed provisions that could impact the continued operation and maintenance of the WPS including, the TekPS.
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 all parts of the proceeding, but in particular:
 - (a) appeal points concerning the objective and policies listed in Annexure A appended to the Appellant's notice of appeal; and
 - (b) all associated and / or ancillary matters.¹

9. 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 TekPS, 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 Canterbury Regional Policy Statement (and other relevant Ecan regional plans);
 - (d) integration of the district plan;
 - (e) section 32 of the RMA; and
 - (f) 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.



David Allen
Counsel for Genesis Energy Limited

Date: 25 August 2021

Address for service of person wishing to be a party:

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¹ Noting that the appeal states that the specific reasoning and relief does not limit the general appeal.