

**ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU**

ENV-2021-AKL-000104

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 HAWKE'S BAY REGIONAL COUNCIL'S
DECISION ON PLAN CHANGE 7 TO THE HAWKE'S BAY
REGIONAL RESOURCE MANAGEMENT PLAN**

Between **TE TAIWHENUA O HERETAUNGA, TE RUNANGANUI O
HERETAUNGA, TE MANAAKI TAIAO O HERETAUNGA
AND NGATI KAHUNGUNU IWI INCORPORATED**

Appellant

And **HAWKE'S BAY REGIONAL 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

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TO: The Registrar
Environment Court
Auckland

1. Genesis Energy Limited (**Genesis**) wishes to be a party to the appeal proceedings lodged by Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated (**the Appellant**) in respect of the decisions on the Proposed Plan Change 7 (Outstanding waterbodies) (**Plan Change 7**) to the Operative Hawke's Bay Regional Resource Management Plan (**RRMP**), which were publicly notified on 26 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 Waikaremoana Power Scheme (**WPS**) which, depends on a freshwater resource regulated by Plan Change 7.
3. The WPS is a hydro renewable electricity generation scheme consisting of three power stations. Water is taken from Lake Waikaremoana via tunnels to Kaitawa Power Station, before being discharged into Lake Kaitawa. Water is then passed through Tuai Power Station and discharged into Lake Whakamarino. From there, water is carried by tunnel to Piripaua Power Station and is discharged into the Waikaretaheke River.
4. The WPS operates under a suite of resource consents granted by the Hawke's Bay Regional Council.
5. The WPS is critical at both national and regional levels for a secure and reliable supply of electricity, generating electricity to power approximately 56,250 households.
6. Genesis made a submission about the subject matter of the proceedings. Its submission, dated 28 February 2020, generally supported (with amendment) the notified provisions in Plan Change 7 relating to the process for identifying and protecting outstanding water bodies. However, Genesis opposed provisions that would significantly affect and fail to provide for, the continued operation of the WPS.
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) paragraphs 6(c), 6(d), 6(f), 6(g) and 6(i);
 - (b) paragraphs 7(c), 7(f), 7(g), 7(k), 7(l), 7(m), 7(o), 7(p), 7(q), 7(r), 7(s), 7(u), 7(x), 7(y), 7(aa), 7(dd), 7(ee) and 7(ff); and
 - (c) all associated and/or ancillary matters.
9. Genesis opposes the grounds and relief sought by the Appellant as set out in paragraph 8 in so far as it may hinder the long-term operation of the WPS, including, in particular, in relation to Lake Waikaremoana and the Waikaretaheke River, and is inconsistent with:
- (a) the purpose and principles of the RMA outlined in Part 2;
 - (b) the National Policy Statement for Freshwater Management;
 - (c) the National Policy Statement for Renewable Electricity Generation;
 - (d) the Hawke's Bay Regional Policy Statement component of the RRMP;
 - (e) section 32 of the RMA; and
 - (f) requirements for regional plans set out in sections 63, 66 and 67 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

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