

IN THE SUPREME COURT OF NEW ZEALAND

**SC 94/2007
[2008] NZSC 2**

BETWEEN GREENPEACE NEW ZEALAND
INCORPORATED
Appellant

AND GENESIS POWER LIMITED
Respondent

Court: Elias CJ, Blanchard and Anderson JJ

Counsel: D M Salmon and M Heard for Appellant
P F Majurey for Respondent

Judgment: 11 February 2008

JUDGMENT OF THE COURT

A Leave to appeal against the decision of the Court of Appeal [2007] NZCA 569 is granted.

B The approved grounds of appeal are:

- (i) Does the exception in s 104E of the Resource Management Act 1991 allow for consideration of the effects of greenhouse gas discharges on climate change (i) only for resource consent applications involving the use and development of renewable energy or (ii) for resource consent applications involving the use and development of renewable energy and resource consent applications involving only non-renewable energy?; and**
- (ii) Did the Court of Appeal err in its decision to exercise its discretion to grant declaratory relief?**

Solicitors:
LeeSalmonLong, Auckland for Appellant
Russell McVeagh, Auckland for Respondent