

Under the **FAST-TRACK APPROVALS ACT 2024**

In the matter of an application for replacement resource consents in relation
to the Tekapo Power Scheme

By **GENESIS ENERGY LIMITED**

Applicant

**MEMORANDUM OF COUNSEL IN RESPONSE TO MINUTE 2 OF THE PANEL
CONVENER**

11 June 2025

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

Solicitor Acting: **David Allen / Chelsea Easter**
Email: david.allen@buddlefindlay.com / chelsea.easter@buddlefindlay.com
Tel 64 4 462 0423 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

MAY IT PLEASE THE PANEL CONVENER:

1. This memorandum of counsel is filed on behalf of Genesis Energy Limited (**Genesis**) as directed by the Panel Convener.¹

Proposed conditions that are not agreed and the persons / organisations involved in the discussions

2. As identified by Genesis in its memorandum of 9 June, the modifications proposed to the conditions are minor.² Those minor modifications are limited to General Conditions 26–37 in respect of the Indigenous Biodiversity Programme. These conditions:
 - (a) have not yet been provided to the Environmental Protection Authority (**EPA**); but
 - (b) will be provided before the conference on Friday 13 June (as shown in **Appendix One**) as they are now agreed between Genesis, Waitaki Rūnaka and the Department of Conservation.
3. Genesis does not have agreement by Canterbury Regional Council (**CRC**) to the conditions set lodged with the EPA or the updated condition set that Genesis will lodge this week. Further to the initial indication in its memorandum of 9 June, Genesis can confirm that it is meeting with CRC on Thursday 12 June to discuss issues and the conference generally.
4. Furthermore, identified / invited parties can provide comments through the panel process. It may be that parties will raise matters in relation to the conditions at that stage (there is also a later opportunity to comment on conditions). But, Genesis does not anticipate any matters being raised that cannot be adequately addressed within the standard timeframes.

The proposed steps to address the issues

5. Genesis will provide an updated set of the conditions including the changes to General Conditions 26–37, before the conference on Friday 13 June.
6. Genesis intends to continue having ongoing discussions with CRC throughout the Fast-track Approvals Act process to proactively resolve potential issues CRC may have with the conditions.

¹ Minute 2 of the Panel Convener dated 10 June 2025 at [3]–[4].

² At [10].

7. Genesis considers it unlikely that expert conferencing will be required, given the wide agreement reached. However, if the Panel were to consider that expert conferencing is necessary, it would likely be limited to planners from Genesis and CRC and could be arranged within the timeframes Genesis has proposed. Genesis suggests that while it is the Panel's decision at least two options are available to the Panel (see **Appendix One**):
- (a) The first option is to hold expert planning conferencing between Genesis and CRC during the invitation to comment period. This option would provide more flexibility and is unlikely to be prejudicial to CRC. As noted at section 1.5.1 of the Fast-track Application for Resource Consents and Assessment of Environmental Effects, Genesis had previously lodged the application with CRC in July 2023. CRC is therefore not coming to this information fresh. Much of the information is the same, or very similar to, the information which CRC has had for almost two years.
 - (b) However, if the Panel were to consider the first option prejudicial to CRC, Genesis considers there is sufficient time for expert planning conferencing between Genesis and CRC to occur between comments closing and Genesis providing its response.
8. As above, the fast-track process provides the opportunity for comments from identified / invited parties. But, Genesis does not anticipate any matters being raised that cannot be adequately addressed within the standard timeframes.

Proposed time for filing a supplementary report and updated conditions, if changes are agreed

9. As above, Genesis is in ongoing discussions with CRC. If matters are agreed before the close of comments with CRC, then Genesis will immediately update the panel and other parties. Otherwise, CRC, identified parties and invited parties (if any) all can comment. Genesis gets an opportunity to respond to comments and that response is anticipated to include the necessary supplementary report and condition updates.

Dated this 11th day of June 2025



David Allen / Chelsea Easter
Counsel for the Applicant

APPENDIX ONE: UPDATED TIMETABLE (CHANGES IN BOLD)

| Step | Timeframe | Date |
|--|------------------------------|--|
| 1. Genesis to file an updated set of conditions | | Before Friday 13 June 2025 |
| 2. Panel commencement | N/A | Monday 23 June 2025 |
| 3. Invite comments from relevant parties (s 53) | 10 working days after Step 2 | Monday 7 July 2025 |
| 4. Comments close (s 54) Potential expert planning conferencing (if required by the Panel) | 20 working days after Step 3 | Monday 4 August 2025 |
| 5. Potential expert planning conferencing (if required by the Panel) | | Between Tuesday 5 August and Thursday 7 August 2025 |
| 6. Genesis may respond to any comments received (s 55) | 5 working days after Step 4 | Monday 11 August 2025 |
| 7. Draft conditions issued for comment (s 70(1)) | 10 working days after Step 6 | Monday 25 August 2025 |
| 8. Invite comments from Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development on the draft decision, including any draft conditions (s 72(1)) | 13 working days after Step 6 | Thursday 28 August 2025 |
| 9. Comments close on draft conditions (excluding applicant) (s 70(2)(a)) | 5 working days after Step 7 | Monday 1 September 2025 |
| 10. Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development may provide comments (s 72(2)) | 10 working days after Step 8 | Thursday 11 September 2025 |
| 11. Comments close on draft conditions for applicant (s 70(4)) | 5 working days after Step 9 | Monday 8 September 2025 |
| 12. Decision release (s 79) | 5 working days after Step 11 | Monday 15 September 2025 |