

*under:* the Fast-track Approvals Act 2024

*in the matter of:* an application by Genesis Energy Limited for  
replacement resource consents in relation to the  
Tekapo Power Scheme

Memorandum of counsel on behalf of Te Rūnanga o Arowhenua,  
Te Rūnanga o Waihao, and Te Rūnanga o Moeraki in advance of  
Convener's conference

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Dated: 12 June 2025

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## MAY IT PLEASE THE PANEL CONVENER

- 1 This memorandum of counsel is filed on behalf of Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki in advance of the convener's conference, scheduled for 10am on Friday 13 June 2025.
- 2 Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki (collectively, *Kā Rūnaka*) represent mana whenua in the project area.
- 3 Counsel have had the opportunity to review memoranda filed for Genesis Energy Limited (*Genesis*) and Canterbury Regional Council (*the Regional Council*) and do not intend to replicate the matters set out in those memoranda except to elaborate or address certain points.

### **Parties at the conference**

- 4 Chapman Tripp are not formally instructed to represent Te Rūnanga o Ngāi Tahu (*Te Rūnanga*) but are working closely with the General Counsel of Te Rūnanga to ensure alignment.
- 5 Consistent with the letter of support provided by Te Rūnanga, Te Rūnanga supports Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki in relation to this matter - with their support of the applications to also be regarded as being the position of Te Rūnanga.
- 6 On this basis, we do not anticipate that Te Rūnanga will attend the conference, but we will continue to keep Te Rūnanga informed throughout the process, as appropriate.
- 7 The section 18 report identifies Aoraki Environmental Consultancy and Aukaha Limited as other Māori groups with relevant interests, which we understand is consistent with direction from Te Rūnanga to the Fast-track team. Specific to this process only, Aukaha Limited have not been involved with this process, with Te Rūnanga o Moeraki and Te Rūnanga o Waihao engaging separate planning advice. Aoraki Environmental Consultancy is mandated to represent Te Rūnanga o Arowhenua and should continue to receive any relevant communications and directions.

### **Issues**

- 8 We note, in relation to the memoranda filed for the Regional Council on the 8<sup>th</sup> page under the heading 'Conditions and activity status', the comment that an additional clause was included in condition (7) of the water permit, which was not circulated [to the Regional Council] prior to lodgement.
- 9 This change in conditions was requested by Kā Rūnaka, to ensure clarity and consistency with the very similar conditions proposed by Meridian Energy Limited in the parallel direct referral process.

- 10 We do not consider that the amendment to the conditions has any further implications that require the consideration of the Regional Council.

**Appointment of panel members**

- 11 The memorandum of counsel for Genesis identifies that the key knowledge, skills and expertise required to decide the application includes cultural expertise. Similarly, the Regional Council identifies that the key skills or awareness include "*cultural understanding – however acknowledging the support for the application by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki, CRC are happy for direction on such skills to be provided by these parties*".
- 12 Kā Rūnaka consider it is highly desirable that at least one member of the panel member have expertise in Ngāi Tahu tikanga, given the significance of Takapō and the wider Waitaki area to the iwi and the centrality of tikanga to the approach adopted by Kā Rūnaka as reflected in the Treaty Impact Assessment (TIA), included in the application by Genesis.

**Tikanga**

- 13 The tikanga relevant to the application has been identified and summarised in the TIA and is not repeated in any detail here other than to record:
- 13.1 the Waitaki lies under the cloak of mana whenua rangatiratanga and is cared for and managed by mana whenua to the greatest extent possible, in a manner consistent with kaitiakitanga. The Waitaki Catchment remains of paramount importance to Ngāi Tahu. As mana whenua, Kā Rūnaka have a responsibility to assess how the Tekapo Power Schemes impact their rights, values and practices;
- 13.2 Mana whenua firmly believe that the lands and waters of the Waitaki need to be restored, enhanced and protected. Their concern is that a narrow focus on the rivers most affected by infrastructure and its operation to produce electricity, could result in many of the opportunities for mana whenua and options for restoration and enhancement of mahika kai and Ngāi Tahu connections with whenua and wai in the catchment as a whole, being lost or limited; and
- 13.3 also acknowledging that the approach of mana whenua to this application reflects the desire of the Waitaki Rūnaka to fulfil obligations and responsibilities to freshwater to the extent currently possible given the existence of the power schemes and the modification of the catchment.
- 14 Mana whenua are also very conscious of the need to enable future generations to thrive in the catchment.

*"Ko tā te Waitaki mahi he manaaki i te motu"*

*"The generosity of the Waitaki provides for the nation"*

- 15 As consistent with the letters of support provided, Kā Rūnaka confirm that they have entered a separate agreement ("the Kawenata") with Genesis and Meridian Energy Limited outside of the consent process. Kā Rūnaka have worked closely with (and continue to work closely with) Genesis to ensure the conditions of consent are consistent with the Kawenata.
- 16 Tikanga still provides important context for their interest in the catchment and involvement in this application process (along with the importance of the proposed conditions of consent) but Kā Rūnaka ultimately see the separate Kawenata as a key means of giving effect to the matters set out above. The Kawenata itself will not be produced in evidence.

**Procedural requirements and timeframe**

- 17 Kā Rūnaka are comfortable with what has been set out in the memoranda for Genesis and the Regional Council.

Dated: 12 June 2025



Ben Williams / Rachel Robilliard  
Counsel for Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki