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## MINUTE 2 OF THE EXPERT PANEL

Invitation to comment

Lake Pukaki Hydro Storage and Dam Resilience Works [FTAA-2510-1120]  
(9 March 2026)

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[1] This minute addresses invitations to comment on the Application under section 53 of the Fast-track Approvals Act 2025 (the **FTAA**). The Expert Panel (**Panel**) notes that it was unable to undertake a site and locality visit prior to issuing this minute.

[2] In accordance with section 53(2) of the FTAA, the Panel must invite comments from persons listed in sections 53(2) (a) to (n) where relevant. In this regard, the Panel records that sections 53(2)(d) to (g) are not relevant. **Appendix 1** lists the prescribed persons relevant to this project from whom comments must be invited.

[3] Mackenzie District Council and Canterbury Regional Council have been identified as the relevant local authorities pursuant to section 53(2)(a) of the FTAA.

[4] Section 53(2)(h) and (i) of the FTAA state that the owners and occupiers of land to which the Application relates, and the land adjacent to that land, must be invited to comment. Section 4.3 and Appendix I of the *‘Lake Pukaki Hydro Storage and Dam Resilience Works - Substantive Application under the Fast-track Approvals Act 2024’* dated 5 November 2025, identified the names and addresses of owners and occupiers of the site and the land “adjoining the site”. The EPA has also provided its advice to the Panel based on the Guidance Note entitled: *FTA Guidance Material Identifying Adjacent Land* at:

[https://www.fasttrack.govt.nz/data/assets/pdf\\_file/0018/8226/FTA-](https://www.fasttrack.govt.nz/data/assets/pdf_file/0018/8226/FTA-)

[GUIDANCE MATERIAL Identifying Adjacent Land Updated-June-2025.pdf](#)

[5] After considering the information from the applicant and the advice from the EPA, the Panel has determined that those persons listed in **Appendix 3** should be invited to comment on the Application. **Appendix 2** includes a map of the adjacent land and **Appendix 3** lists the owners and occupiers of that land.

### **Section 53(3) of the FTAA**

[6] Section 53(3) of the FTAA gives the Panel discretion to invite comments from “any other person the panel considers appropriate”.

[7] In relation to this discretion the Panel Conveners’ *Practice and Procedure Guidance* note, dated 22 July 2025, states:

11.3 The Panel Conveners recommend that panels take a principled approach to the exercise of the discretion in section 53(3). The panel should consider the following matters when determining whether to invite other persons to provide comment:

- (a) the purpose of the Act and the procedural principles set out in section 10;
- (b) any relevant aspect of the public or community interest that requires consideration;
- (c) the comprehensiveness and quality of the applicant's technical information and how the applicant has addressed the issue of consultation;
- (d) the likely extent of local authority participation in the application process;
- (e) whether the activity would otherwise be prohibited under relevant legislation
- (f) whether the application is for a project that has been previously declined under another statutory process;
- (g) whether the application is likely to involve novel or contentious legal or disputed factual issues; and
- (h) any other matter that, in the opinion of the Panel, ought to be considered.

11.4 The Panel Conveners recommend that panels consider inviting the Parliamentary Commissioner for the Environment where the project engages or is likely to engage the Commissioner's statutory functions.<sup>7</sup>

[8] The Invitations to Comment Memorandum (**ICM**) to the Panel from the

EPA<sup>1</sup> included an Appendix 2, which listed persons with whom the applicant consulted about the Application as well as other Māori groups with relevant interests in the Application identified in the section 18 FTAA report received by the EPA. The ICM's recommendation was that the Panel give consideration to inviting these persons to comment under section 53(3).

[9] The ICM also provided information on bore users in the vicinity of the Application site, but concluded that, due to their location, they would not be affected and thus ought not be invited to comment.

[10] Finally, the ICM included correspondence the EPA had received, referred to as “unsolicited requests to be invited to comment” from Te Mana Hiko Electricity Authority (**EA**) and Genesis Energy Limited (**GEL**).

[11] Subsequent to the ICM, the EPA also received<sup>2</sup> correspondence from the Parliamentary Commissioner for the Environment (**PCE**), the Rt. Hon. Simon Upton, indicating his interest in the Application and seeking an invitation to comment on it.

[12] The Panel has considered the Panel Conveners' guidance and the ICM's advice with respect to other persons from whom it might be appropriate to invite comment under section 53(3) of the FTAA, as well as the request from the PCE.

[13] The Panel considers it appropriate to invite the New Zealand Transport Agency and Catherine Fields to comment on the same basis that the applicant considered it appropriate to consult with these persons as part of the preparation of the Application – presumably because they had interests of some type that might be affected by the project.

[14] The Panel considers it appropriate to invite Aoraki Environmental

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<sup>1</sup> Dated 19 February, 2026.

<sup>2</sup> On 6 March, 2026.

Consultancy Limited to comment on the basis that it is an established Māori group with relevant interests in the Application and was identified in the section 18 FTAA report.

[15] However, the Panel does not propose to invite Aukaha to comment. This is because counsel for Te Rūnanga o Moeraki, Te Rūnanga o Waihao, Te Rūnanga o Arowhenua (**Kā Rūnaka**) have advised<sup>3</sup> that for this Application, Kā Rūnaka are represented by Aoraki Environmental Consultancy Limited and that Aukaha will not be taking an active role. As such, as noted above, the Panel considers it appropriate to invite Aoraki Environmental Consultancy Limited to comment.

[16] Finally, we turn to the persons who have communicated directly with the EPA claiming that they have an interest in the Application and should be invited to comment on it at the appropriate time.

[17] As a point of procedure, we have no issue with the EPA drawing such unsolicited communications to our attention in the way that it has. In addition to its prescribed functions with respect to substantive applications under the FTAA, it also performs a general secretarial role for us with respect to the Application and the relevant participants in it. In bringing this material to our attention it has, properly, refrained from providing any comment or recommendation in relation to it, recognising that it is our role, as the appointed Panel, to exercise the discretion in section 53(3) of the FTAA.

[18] We have considered the information provided by EA and GEL.

[19] In its email to the EPA, the EA noted that it is responsible for the regulation of the electricity system and the operation of the wholesale electricity markets. Relevantly, it is also an independent Crown entity established under the Electricity

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<sup>3</sup> Refer Memorandum of Counsel for Te Rūnanga o Moeraki, Te Rūnanga o Waihao, Te Rūnanga o Arowhenua regarding Minute 1 and 2 of the Panel Convener, dated 26 January, 2026.

Industry Act 2010. With respect to the Application, it says that its focus would be “the impact of the proposal on the wholesale price of electricity and the implications for security of supply in a dry hydro year”.

[20] Notably, these matters are also referred to in the Application in its detailed section 6 (referencing *Appendix A - Economic Benefits and Cost Report*) addressing the national benefit of the proposal. As these are matters that will be relevant to our consideration of the Application, and the EA is an independent person who can presumably provide relevant comment about them, we consider it appropriate that it be invited to comment under section 53(3) of the FTAA.

[21] In its letter of 15 December 2025 to the EPA, GEL noted that it was an owner of land adjacent to the Application site. This is not in dispute, and the Panel has already determined that it ought to be invited to comment under section 53(2)(h) for that reason.

[22] In its letter, GEL also advised the EPA:

**Directly affected infrastructure**

Meridian has identified “affected structures”, including the Tekapo B Power Station, in its Application.<sup>1</sup> The intention of the expert panel’s discretion to invite persons under s 53(3) of the FTAA is to ensure that those most directly affected can provide comment,<sup>2</sup> which should include those who own/operate the affected structures.

As owner and operator of that infrastructure, Genesis is directly affected by the proposed activities. In Genesis’ position, irrespective of the expert panel’s decision under s 53(2) above (which is its preferred and the legally correct approach) it should, at the very least be invited to comment under s 53(3) as a person who will add information of significance to the expert panel’s decision (both on adverse effects and the level of benefits the application may provide).

We provide this information so that the EPA may support the expert panel in making informed decisions about the appropriate invitation list.

**Technical and System-wide risks**

Genesis has been undertaking technical assessments to better understand the safety and technical risks posed by Meridian’s Application. Genesis will be able to share its findings with the expert panel once appointed, but in summary we consider the Application potentially poses a significant risk to the operation of the Tekapo Power Scheme. Any such impact would have effects on the water entering Lake Pūkaki for storage as well as remove water from the Ohau A, B and C power stations, and therefore, likely the wider whole New Zealand electricity system. Genesis intends to share its full analysis with the expert panel once appointed.

[23] We agree with GEL that these are important relevant interests and potential effects on the environment (which includes, notably, the Tekapo Power Scheme), information about which would assist the Panel in its consideration of the Application under the FTAA. For this reason, we consider it would also be appropriate to invite GEL to comment on the Application under section 53(3) of the FTAA.

[24] Finally, we turn to the invitation request received from the PCE. Unhelpfully, the PCE has merely indicated he is “following [in Application] with interest”, and that he wishes to “provide comment to assist the panel in its assessment” of it, without explaining why he is interested, or the assistance he may be able to provide to the Panel. Such information would be useful for the Panel to enable it to determine if the PCE is an appropriate person to invite comment from.

[25] As noted above, the Panel Conveners’ *Practice and Procedure Guidance* note recommends that panels invite the PCE to comment where applications engage or are likely to engage the PCE’s statutory functions, further noting as follows:

*Environment Act 1986, section 16. The Parliamentary Commissioner’s statutory functions may be engaged, for example, on matters involving significant permanent adverse environmental effects, broader public interests, activities that are otherwise prohibited under relevant legislation, and on applications involving novel elements that may pose risks to the environment.*

[26] We have considered section 16 of the Environment Act 1986, and the *Guidance* note from the Panel Convener. Based on our current understanding of the Application, its actual and potential effects on the environment, and its engagement of broader public interest, we are satisfied that it is appropriate to invite the PCE to comment on the Application in this case.

[27] The additional parties from whom comments will be invited are listed in **Appendix 4**.

[28] The persons listed in Appendices 1, 3 and 4 will therefore be invited to comment on the Application.

[29] This invitation to comment is dated 9 March 2026 and the date for comments is 20 working days from this date (section 54 of the FTAA), namely, 8 April 2026.

[30] Comments must be filed with the EPA no later than **11.59pm on 8 April 2026** via:

- (a) by email to [substantive@fasttrack.govt.nz](mailto:substantive@fasttrack.govt.nz);
- (b) by post to Private Bag 63002, Wellington 6140 New Zealand; or
- (c) in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington 6011.

A handwritten signature in blue ink, appearing to read 'KRMjl', with a long horizontal flourish extending to the right.

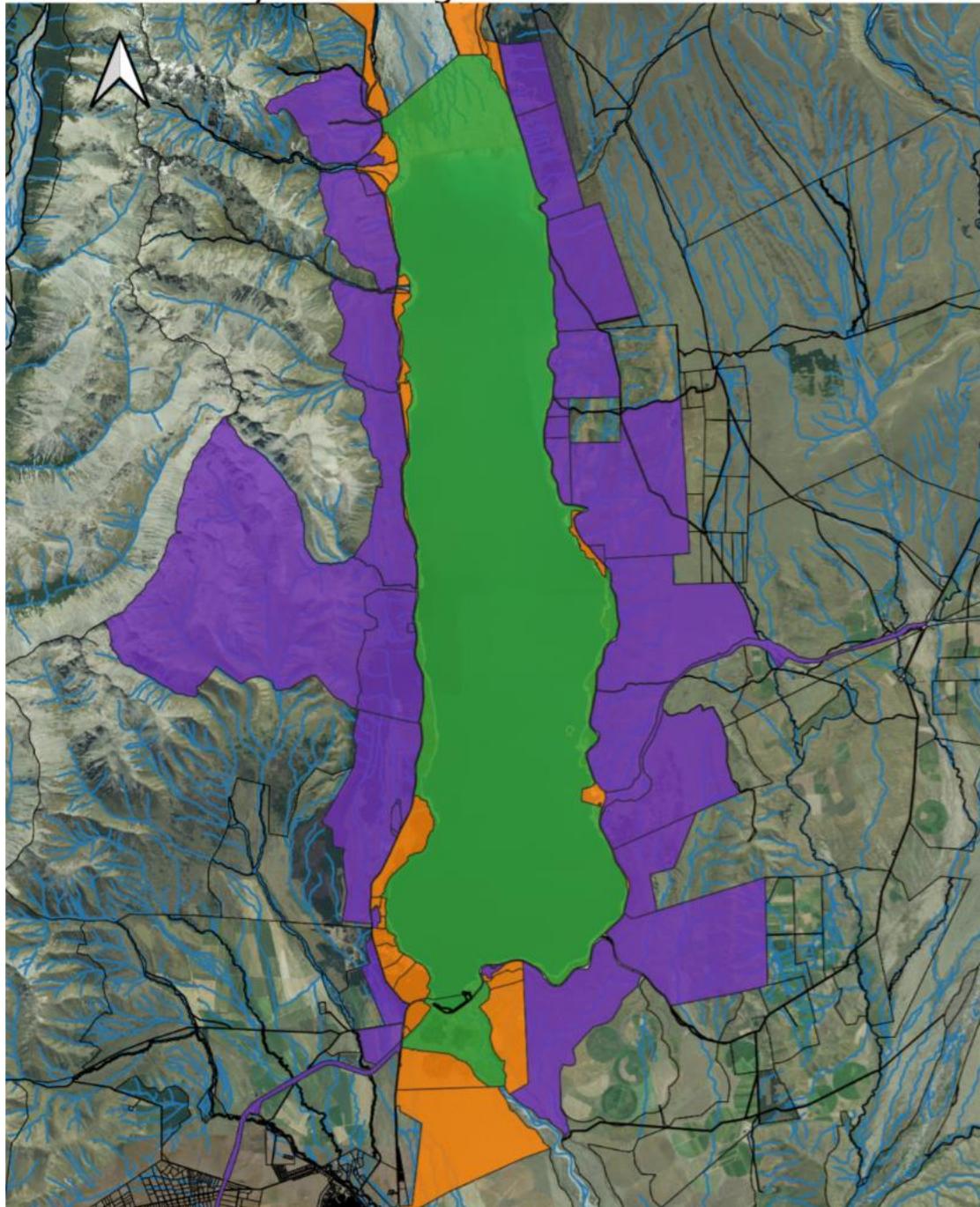
**Kitt R M Littlejohn**  
Expert Panel Chair

**Appendix 1**  
**Parties invited to Comment under section 53(2) of the Act**

Section of Act	Description from Act	Party identified
53(2)(a)	the relevant local authorities	Mackenzie District Council Canterbury Regional Council (ECAN)
53(2)(b)	the relevant iwi authorities	Te Rūnanga o Ngāi Tahu
53(2)(c)	any relevant Treaty settlement entities, including, to avoid doubt,— (i) an entity that has an interest under a Treaty settlement within the area to which the substantive application relates; and (ii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area	Te Rūnanga o Ngāi Tahu Te Rūnanga o Arowhenua Te Rūnanga o Waihao Te Rūnanga o Moeraki
53(2)(h)	owners of the land to which the substantive application relates (Owners of land adjacent to that land are covered in Table 2 as the panel must exercise judgement on what is considered adjacent)	See Map Appendix 2 for land to which the substantive application relates. List of all owners set out in Appendix 3.
53(2)(i)	occupiers of the land to which the substantive application relates unless, after reasonable inquiry, an occupier cannot be identified (Occupiers of land adjacent to that land unless, after reasonable inquiry, an occupier cannot be identified are covered in Table 2 as the panel must exercise judgement on what is considered adjacent)	See Map Appendix 2 for land to which the substantive application relates. List of all occupiers set out in Appendix 3.
53(2)(j)	the Minister for the Environment and other relevant portfolio Ministers	Minister for the Environment Minister for Infrastructure Minister for Arts, Culture and Heritage Minister for Treaty of Waitangi Negotiations Minister of Conservation Minister for Māori Crown Relations Minister for Building and Construction Minister for Land Information

		Minister for the South Island Minister for Regional Development Minister for Energy Minister for Climate Change
53(2)(k)	relevant administering agencies	Department of Conservation Ministry for the Environment
53(2)(l)	any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land	New Zealand Transport Agency Waka Kotahi Mackenzie District Council Transpower New Zealand Limited
53(2)(m)	if the approvals sought in the substantive application include— (i) an approval described in section 42(4)(a) or (d) (resource consent or designation), the persons and groups listed in clause 13 of Schedule 5: (ii) an approval described in section 42(4)(e) (concession), the persons listed in clause 5 of Schedule 6: (iii) an approval described in section 42(4)(g) (conservation covenant), the persons listed in clause 44 of Schedule 6: (iv) an approval described in section 42(4)(h) (wildlife approval), the persons listed in clause 4 of Schedule 7: (v) an approval described in section 42(4)(k) (marine consent), the persons listed in clause 5 of Schedule 10: (vi) an approval described in section 42(4)(l) or (m) (access arrangement), the persons listed in clause 5 of Schedule 11 (vii) an approval described in section 42(4)(n) (mining permit), the person listed in clause 18 of Schedule 11.	Director-General of Conservation New Zealand Conservation Authority Canterbury Aoraki Conservation Board New Zealand Fish and Game Council Game Animal Council
53(2)(n)	any persons or groups specified by the Minister under section 27(3)(b)(iii).	Transpower New Zealand Limited

Appendix 2  
Map of adjacent land – 53(2)(h) and (i)  
Lake Pukaki Hydro Storage and Dam Resilience Works



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|--|--|
|  Project site                           |  Primary land parcels |
|  Application land                       |  Roads                |
|  Shares boundary & within context       |  Watercourses         |
|  Close enough to be considered adjacent |  |

2.5 5 km  


**Appendix 3**  
**Owners and occupiers of the properties to which the substantive application relates and the land adjacent to that land**

<b>Owners of the land to which the substantive application relates (green)</b>
Lot 1 DP 368484 Section 2 SO 497878 title 391603
<b>Occupiers of the land to which the substantive application relates (green)</b>
Alps to Ocean cycleway Te Araroa Trail Mackenzie District Council Mt Cook Alpine Salmon
<b>Owners of the adjacent land (orange and purple)</b>
<b>Land that has a common boundary with the land to which the substantive application relates and is considered adjacent (shown orange):</b> Section 26 SO 320101 Section 3 SO 474501 Section 12 SO 407066 Section 10 SO 407066 Section 18 SO 474112 Part RUN 267 Part RES 4038, Section 1 SO 474501 Section 2 SO 474501 Lot 3 DP 351968 Lot 2 DP 351968 Lot 3 DP 436833 Lot 2 DP 436833 Lot 1 DP 436833 Lot 1 DP 81765 Lot 3 DP 81765 Lot 4 DP 81765 Lot 5 DP 81765 Part Run 85A Section 1 SO 18367 Section 2 SO 18367 Lot 2 DP 407182 Part Lot 4 DP 38508 Section 21 SO 474112 Section 19 SO 474112 Section 13 SO 474112 Lot 6 DP 480112 Lot 2 DP 480112 Lot 4 DP 480112 Lot 7 DP 480112

Section 2 SO 474112

**Land that does not have a common boundary but is close enough to form part of the context of the application site and could be considered adjacent (shown purple):**

Section 1 SO 5618

Lot 3 DP 482444

Lot 2 DP 521348

Section 10 SO 563584

Section 3 SO 19914

RS 41843

Section 2 SO 19914

RS 42309

Section 17 SO 474112

Lot 3 DP 432280

Lot 1 DP 432280

Lot 2 DP 432280

Lot 2 DP 81765

Section 1 SO 19913

RUN 354

Section 4 SO 18367

Section 3 SO 18367

Section 31 SO 499024

Section 20 SO 512965

Section 1 SO 472751

Lot 5 DP 480112

Lot 3 DP 480112

Lot 1 DP 480112

Section 5 SO 474112

Section 12 SO 474112

RS 41224

Section 20 SO 474112

Part Lot 1 DP 42277

Part Lot 2 DP 42277

Section 1 SO 14782

Section 2 SO 14782

Part RS 33298

Part RS 33277

Part Rural Sec 33297 Block XIV Jollie SD

Part RS 33297

Part RS 33300

Part RS 33296

Part RS 33275

Section 2 SO 499024

Section 3 SO 499024

Lot 1 DP 407182

Lot 1 DP 63833

Section 10 SO 484952

**Appendix 4**  
**Other parties considered appropriate to invite comment from**

New Zealand Transport Agency (NZTA) Catherine Fields Aoraki Environmental Consultancy Limited Te Mana Hiko Electricity Authority Genesis Energy Limited Parliamentary Commissioner for the Environment
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