
MINUTE 4 OF THE EXPERT PANEL

Invitation to comment and recording on-line briefing
Tekapo Power Scheme [FTAA- 2503-1035]

29 August 2025

[1] This minute:

- (a) Records that the Expert Panel has appointed a legal advisor, effective 27 August 2025.
- (b) Proposes an “Issues Conference” tentatively to be held on 9 September 2025, and seeks the Applicant and participants’ confirmation of availability to attend that conference.

Appointment of legal advisor

[2] The Panel has identified that it would benefit from receiving legal advice in relation to disputed legal issues arising from the Application and comments received. The Panel has engaged Vanessa Hamm of Holland Beckett to provide that advice.

[3] In the first instance, Ms Hamm has been asked to provide advice in relation to:

- (a) The principles that the Panel should apply in defining the “existing environment” against which the effects of the Application must be assessed.
- (b) The scope of Panel’s discretion to consider effects of the Application, and impose conditions, pursuant to the relevant provisions of the Waitaki Catchment Water Allocation Regional Plan.

[4] The Panel considered seeking the Applicant's and participants' views in relation to the appointment of Ms Hamm, but determined not to do so in the circumstances. The Panel considered there to be a need for expediency in obtaining the requested advice, that the issues it required initial advice in relation to were sufficiently clear, and that input from the Applicant and other participants was unlikely to influence the Panel's decision to engage Ms Hamm to provide legal advice. In the event that the Panel considers further advice is needed, it will again consider whether input from the Applicant and participants may be appropriate.

Issues conference

[5] It is clear from the Application and comments received that there are disputed facts, opinions and/or legal matters as between the Applicant and some participants. At this stage, the Panel considers that it is likely to be assisted by holding an Issues Conference to identify and refine the issues and make any further directions that may be required. It is also conscious of both the short time-frame available to it to determine the Application, and its obligations under section 10 of the FTAA.

[6] The Panel therefore notifies the Applicant and participants that it intends to direct that an Issues Conference is held and has tentatively identified 9 September 2025 at 10am as the date for that conference. The Applicant and participants are asked to confirm their availability for that date with the EPA. The EPA's Fast-track team will be in contact for that purpose.

[7] If 9 September is confirmed as a suitable date, the Panel will make its direction after receiving and considering the Applicant's response to comments, and Ms Hamm's legal advice referred to above. The direction will include a draft agenda for the Issues Conference. Without predetermining the content of the Panel's direction or the draft or final agenda for the Issues Conference, the Panel anticipates the need to discuss:

- (a) The participants' respective positions in relation to legal issues arising

from the Application and comments received.

- (b) The scope of disputed facts and opinions, and identification of what further directions might be appropriate to resolve, and/or assist the Panel's understanding and determination of, those issues. Directions might include (for example) requests for information, engaging additional technical advisors/peer reviewers and/or directions for expert conferencing.

[8] The Panel invites the Applicant and participants to consider these matters in advance of the Issues Conference, on the basis that the Panel is likely to require the output of any subsequent Panel direction (information, report or conferencing statement) on or before close of business on 19 September 2025.



Daniel Sadlier
Expert Panel Chair