

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

GENESIS ENERGY LIMITED RESPONSE TO COMMENTS

1 September 2025

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MAY IT PLEASE THE PANEL:

1. This document addresses the 12 'comments' made in respect of Genesis Energy Limited's (**Genesis**) application for replacement resource consents for the Tekapo Power Scheme (the **scheme**) under the Fast-track Approvals Act 2024 (**FTAA**).
2. While the Minister for the Environment responded, her 'comment' was that she did not wish to comment. A similar response was received from the Minister for Arts, Culture and Heritage. While the Ministers for Regional Development and the South Island refer to a response from the energy portfolio, the Minister of Energy did not respond in relation to that portfolio.

Structure

3. Genesis' response to comments adopts the following structure:
 - (a) a summary of its response to each set of comments received from those persons the panel was required by the FTAA to invite, namely:
 - (i) the relevant iwi authorities and Treaty settlement entities: Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (**Kā Rūnaka**) and Te Rūnanga o Ngāi Tahu (**TRONT**);¹
 - (ii) the relevant local authority: Canterbury Regional Council (**CRC**);
 - (iii) the relevant portfolio Ministers that responded;
 - (iv) Transpower New Zealand Limited (**Transpower**); and
 - (v) the Director-General of Conservation (**DOC**); and
 - (b) a response to comments from the Royal Forest and Bird Protection Society of New Zealand Incorporated (**F&B**), whom the panel chose to invite comments from.
4. The response also includes the following appendices:
 - (a) memoranda on behalf of all of Genesis' technical experts are attached as **Appendices 1 to 14**;

¹ Aoraki Environmental Consultancy was invited by the panel on the advice of Kā Rūnaka but did not submit a separate comment.

- (b) a memorandum from Messrs Mooney and Gray in relation to the likely replacement, in the short to medium term, for the generation that would be lost if F&B's Option One is accepted is attached as **Appendix 15**;
- (c) a memorandum from Mr Andrew Balme summarising the infrastructure changes required to provide a minimum flow is attached as **Appendix 16**; and
- (d) letters from Kā Rūnaka, the Tekapo Whitewater Trust, the Central South Island Fish and Game Council, and Mt Cook Alpine Salmon are attached in **Appendices 17 to 20**.

RELEVANT IWI AUTHORITIES AND TREATY SETTLEMENT ENTITIES

5. Genesis has worked collaboratively with Kā Rūnaka in respect of the application for the replacement consents for the scheme to ensure:
 - (a) there is appropriate recognition of Ngāi Tahu rangatiratanga over the Waitaki Catchment and its taonga, including wai māori; and
 - (b) enable greater economic, spiritual and cultural connections for mana whenua.
6. As set out in the comments from Kā Rūnaka, extensive engagement took place (also involving Meridian) between 2021 and October 2023 culminating in the Kawenata. Genesis appreciates the strong partnership being built with Kā Rūnaka and the assistance it has received from Kā Rūnaka through this FTAA process.

Kā Rūnaka

7. Genesis appreciates the detailed comments from Kā Rūnaka, representing mana whenua in the project area and wider Waitaki catchment.
8. Genesis acknowledges the effects from hydro generation in the Waitaki catchment on mana whenua as expressed by Kā Rūnaka in their comments and in the Treaty Impact Assessment at Appendix A of the application.
9. In respect of the proposed conditions, Kā Rūnaka:
 - (a) had input into the original draft conditions, has been consulted on all subsequent changes, and is comfortable with the latest version dated 25 July 2025; and

(b) opposes any further amendment to the conditions as signalled by F&B and CRC.

10. Kā Rūnaka continue to support the Indigenous Biodiversity Enhancement Programme (**IBEP**) and Kahu Ora (the strategic plan) and Genesis' proposed conditions in respect of the IBEP. Genesis acknowledges Kā Rūnaka's statement that:²

Kahu Ora builds upon the legacy of Project River Recovery, however this new iteration significantly extends the spatial extent of the programme and enhances the role of Kā Rūnaka, ensuring the cultural importance to Ngāi Tahu whānui is preserved.

11. In relation to the IBEP conditions Kā Rūnaka states:

60 Kā Rūnaka continue to support the consent conditions proposed by Genesis with respect to the indigenous biodiversity enhancement programme. Specifically, Kā Rūnaka support:

60.1 the objectives of the programme;

60.2 the geographic scope of the programme as defined by the conditions;

60.3 the proposed processes to have 10 year strategic and annual plans; and

60.4 the proposed governance of the programme.

61 Kā Rūnaka are strongly opposed to the suggestion that Environment Canterbury should certify the plan. The plan has been developed outside of the consent process and Manawhenua see their involvement in the ongoing implementation of the plan on that basis.

12. As explained below Genesis does not propose accepting any changes to the IBEP apart from non-substantive changes addressed in the memorandum of Mr Richard Matthews in **Appendix 1**. These changes have been discussed and agreed with Kā Rūnaka.

13. In relation to potential conferencing, and the request by F&B for additional conferencing,³ Kā Rūnaka state:⁴

In this regard, the key question to be asked is what useful purpose can be served by freshwater caucusing and/or requesting the Panel consider what are the "*appropriate environmental flows in the Takapō River*".

14. Genesis agrees with the reasons from Kā Rūnaka in their comments as to why conferencing should not be arranged and considers conferencing as proposed

² At [56].

³ Repeated at [190] of F&B's comments.

⁴ At [42].

by F&B to be futile (especially related solely to ecology which cannot be, including under the Waitaki Catchment Water Allocation Regional Plan (**WAP**), the sole determinant of a flow regime).

15. Genesis has had confirmation from Ally Crane that Aoraki Environmental Consultancy would not be providing a separate response to Kā Rūnaka.
16. Finally, the letter provided by Kā Rūnaka (provided in **Appendix 17**) reiterates that:

Kā Rūnaka remain of the view that the consent conditions proposed by Genesis are appropriate and no further changes are required.

...

Kā Rūnaka are concerned that the changes to the Indigenous Biodiversity Enhancement Programme (*IBEP*) proposed by Environment Canterbury put the programme at risk, with the potential to frustrate the stated purpose of the programme.

...

Forest & Bird have not engaged with Kā Rūnaka in relation to Takapō, this Fast-track process or the consent conditions that they seek extensive amendments to. Forest & Bird's comments do not reflect the position of Kā Rūnaka...

Te Rūnanga o Ngāi Tahu

17. TRONT states in its comments:⁵

... Te Rūnanga supports Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki and Te Rūnanga o Waihao in relation to the Application, with their support of the Application to also be regarded as being the position of Te Rūnanga.

Further, Te Rūnanga supports the comments made by Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki and Te Rūnanga o Waihao. ...

18. In relation to comments on taonga species (including for mahinga kai) Genesis notes the strong support of Kā Rūnaka for the IBEP and Kahu Ora.

CANTERBURY REGIONAL COUNCIL

19. Genesis is grateful to CRC for its efforts to narrow the issues remaining.
20. In relation to high level matters CRC:

⁵ At [1.2]–[1.3].

- (a) states that "the application is treated as a controlled activity under the WAP and the CLWRP"⁶ and this is supported (in relation to the regional planning regime) by Ms Susannah Black in her memorandum;⁷ and
- (b) agrees with Genesis regarding the national and regional benefits of the scheme⁸ and Ms Black shares the same position;⁹ and
- (c) CRC does not propose a flow in the Takapō River as mitigation for ongoing adverse effects of the scheme.¹⁰

21. CRC raises five key matters being:

- (a) CRC agrees with Genesis that the existing environment includes the scheme infrastructure and its operations. CRC considers that residual adverse effects remain and emphasises that environmental improvement should be delivered.¹¹
- (b) That segways nicely to the IBEP (which in Genesis' opinion addresses both residual effects and enhancement over the present Project River Recovery (**PRR**)). CRC notes that no environmental flow is proposed and compensation is offered through the IBEP. While CRC supports the holistic approach adopted, its experts raise some issues (including seeking specific species recognition) and that some provisions could be 'strengthened'.
- (c) Uncertainties around climate change impacts and CRC's position that it then justifies several specific monitoring conditions. As stated in Mr Matthews' memorandum in **Appendix 1**, under the heading climate change:

I note that weather patterns can change on a daily, weekly, monthly, seasonal and yearly basis, and have done as long as the Tekapo PS has been operating. Genesis must respond to those changes within the limits prescribed in its present resource consent conditions (which are also required by the proposed consent conditions) such as the maximum volumes it can take or discharge or the relevant lake levels that must be met.

Genesis agrees. In addition, the mere speculation that monitoring may provide some relevant information in the future is not a rationale for

⁶ [s53-planning-advice-comments](#) at 2.

⁷ [s53-planning-advice-comments](#) at [22]–[24].

⁸ [s53-planning-advice-comments](#) at 2.

⁹ [s53-planning-advice-comments](#) at [7].

¹⁰ [s53-planning-advice-comments](#) at [48].

¹¹ [Appendix-01-Memorandum-of-Counsel](#) at [7]–[13].

imposing conditions (the legal framework for which is set out in Genesis' legal submissions dated 22 July 2025).

- (d) The provision for native fish salvage when sports salvage is undertaken. Dr Richard Allibone in his memorandum (**Appendix 3**) provides the reasons why he supports inclusion of native fish capture where practicable (noting the difficulties of such capture and the limited benefit). Mr Matthews' memorandum in **Appendix 1**, reiterates his position that the advice note already added into the condition appropriately addresses this issue.
- (e) Ongoing discussions with Genesis in relation to the High Flow Management Plan (see below).

IBEP conditions

- 22. The position of Kā Rūnaka opposing changes to the IBEP conditions, and the reasons for that opposition, is set out above. DOC also supports the IBEP and the proposed conditions. Genesis does not agree that changes to the IBEP conditions and/or further conditions are required. More comment is provided on this in Mr Matthews' memorandum in **Appendix 1**.
- 23. Further IBEP conditions are not required. Dr Hughey's memorandum of 18 July 2025, which was provided to the panel in advance of the project overview conference, and his memorandum in **Appendix 2**, is supportive of Genesis' position in respect of the IBEP conditions. Dr Hughey was involved in the initial design and establishment of PRR and led negotiations on the IBEP for DOC as DOC's Chief Science Advisor. Dr Hughey's overall conclusions in his memorandum of 18 July 2025 are set out below:¹²

Overall, I am of the view that the IBEP proffered by Genesis (and Meridian) will deliver a level of compensation that will **maintain the valuable and proven existing Project River Recovery interventions. The additional funding (three times PRR) will enable many of the previously unaddressed residual effects attributable to the TekPS, including now for areas not previously focussed on by PRR, to be addressed.** I also consider delivery of the IBEP over the 35-year consenting period will **more than compensate for the TekPS effects on existing biodiversity** (excluding longfin tuna which are dealt with separately through an agreement with Rūnaka, and for which Genesis is a co-contributor).

In conclusion, and consistent with the above comments, I consider that **the IBEP objective and proposed conditions appropriately address the residual and**

¹² [Appendix-Five -Memo-from-K-Hughey-dated-18-July-202571028625.1_Redacted.pdf](#)

unmitigated effects of the TekPS and that the IBEP Strategic Action Plan (Kahu Ora) has been prepared by appropriately qualified and experienced experts. It is likely, in my opinion, to achieve far greater ecological outcomes than would otherwise be possible with other more reductionist approaches.

(Emphasis added)

24. Dr Hughey's memorandum (**Appendix 2**) sets out his support for a holistic IBEP. He also opposes a 'reductionist' species by species approach with a focus on species monitoring (which would be very expensive and not provide any linkage to scheme effects, given the much broader effects on species than just the scheme). Further, given the many species related environmental pressures beyond the scheme, species specific outcomes and targets tied to Genesis would be unlawful. Genesis therefore rejects the proposed CRC conditions in relation to measures of success and critical classified species and this is set out in Mr Matthews' memorandum in **Appendix 1**.
25. In **Appendix 2** Dr Hughey states:
- ... Where possible the IBEP seeks to protect and enhance a range of these values (e.g., birds, vegetation and terrestrial invertebrates at place (at different scales of course)) thus delivering cost-effectiveness and the potential to achieve very significant outcomes. The success of this approach has been demonstrated through PRR since 1991
26. This is the position Genesis adopts. It relies on the holistic approach of the IBEP (which CRC acknowledged in its comments¹³ and has previously accepted¹⁴).
27. As stated during the project overview conference, the IBEP conditions have been proffered by Genesis on an *Augier* basis (as noted by CRC¹⁵). As is the case under the RMA, the panel cannot:
- (a) impose a requirement for offsetting or compensation without agreement from Genesis; and/or
 - (b) alter the indigenous biodiversity compensation conditions without agreement from Genesis.
28. The IBEP conditions have been agreed with Kā Rūnaka and DOC:

¹³ [s53-planning-advice-comments](#) at 3.

¹⁴ [Legal-submissions-for-Genesis-Energy-Limited-for-the-project-overview-conference-22-July-202571038261.1.pdf](#) at [28].

¹⁵ [Appendix-01-Memorandum-of-Counsel](#) at [27]; [s53-planning-advice-comments](#) at [85].

- (a) Kā Rūnaka continue to support the consent conditions proposed by Genesis with respect to the IBEP and without the changes sought by CRC (and F&B); and
- (b) DOC supports the current application for replacement resource consents because conservation matters are addressed through proposed conditions requiring implementation of the IBEP.

Other conditions

- 29. Mr Matthews responds to each condition change sought by CRC in his memorandum attached as **Appendix 1**. For succinctness these detailed comments are not repeated. But Genesis' position on the CRC conditions (and all conditions) is as set out by Mr Matthews.
- 30. There are ongoing discussions in relation to the High Flow Management Plan and the panel will be updated on the outcome of them at, or in advance of, the issues conference.
- 31. A full set of updated conditions is not appended to this response. Updated conditions will be provided to the panel after the High Flow Management Plan discussions and the issues conference. The rationale for this is to avoid the provision of multiple sets of revised conditions with the panel and parties, causing unnecessary confusion.

MINISTERS OF THE CROWN

Minister for Climate Change

- 32. Genesis acknowledges the comments received from the Minister for the South Island that he "supports this application because it may provide significant climate change mitigation benefits."
- 33. This comment supports the benefits of the project as advanced by Genesis within its application, AEE and Appendix G.

Minister for the South Island

- 34. Genesis acknowledges the comments received from the Minister for the South Island that:
 - (a) records that the continued operation of the scheme is "of clear regional benefit";

- (b) refers to a summary of benefits that are set out in Appendix G to the application; and
- (c) observes that the scheme:
 - (i) supports ongoing operational roles;
 - (ii) underpins regional energy resilience; and
 - (iii) enable access to infrastructure that supports tourism and recreations in the Mackenzie District.

35. These statements support the benefits of the project as advanced by Genesis within its application, AEE and Appendix G.

Minister for Māori Crown Relations

36. Genesis acknowledges the comments received from the Minister for Māori Crown Relations.

37. The Minister for Māori Crown Relations supports the scheme subject to any comments received from:

- (a) Kā Rūnaka; and
- (b) TRONT.

38. Those comments are discussed above.

39. The Minister for Māori Crown Relations also encourages the panel to have regard to the statutory acknowledgement over Lake Tekapō as provided for by the Ngāi Tahu Claims Settlement Act 1998.

Minister for Regional Development

40. Genesis acknowledges the comments received from the Minister for Regional Development.

41. The Minister for Regional Development observes that:¹⁶

Tekapo PS directly supplies electricity to the equivalent of over 120,000 homes annually and indirectly supports generation for more than 228,000 homes via water diversion to Lake Pūkaki. Supporting analysis for the application notes that replacing the scheme's output with alternative renewables would cost an estimated \$1.9-\$2.6 billion (present

¹⁶ At [2] and [3].

value), and interim reliance on thermal generation would increase emissions equivalent to 0.45-1.13 million cars annually.

Part of the Tekapo PS also provides critical backup supply to the Tekapo-Albury region during grid outages, avoiding local power cuts of up to 250 hours per year and an estimated \$17 million in replacement costs for a generation asset with equivalent capacity.

42. These statements support the benefits of the scheme as advanced by Genesis within its application, AEE and Appendix G.

Minister for RMA Reform

43. Genesis acknowledges the comments received from the Minister for RMA reform.

44. As a general point the Minister noted:

I wish to take this opportunity to express my broad support for projects which deliver positive outcomes for New Zealand, including the Tekapo Power Station. Please take this letter of support as a reflection of the Government's economic growth and infrastructure priorities.

45. In relation to the National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**) the Minister states:

The Tekapo Power Scheme FTAA application is consistent with the objective and policies of the National Policy Statement for Renewable Electricity Generation 2011 and the Government's proposed update to the National Policy Statement.

The FTAA application will ensure the Tekapo Power Station can continue generating renewable electricity and it supports the Government's target to double renewable electricity generation by 2050.

46. In relation to the National Policy Statement for Freshwater Management 2020 (**NPSFM**) the Minister:

- (a) states that the application is consistent with the NPSFM (and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NESFW**));
- (b) states that as no changes are proposed to present operations there is no effect on wetlands (or domestic water supply bores);
- (c) refers to Clause 3.31 and the requirement to have regard to the importance of the scheme's:
 - contribution to NZ's greenhouse gas emissions reduction targets,

- contribution to maintaining the security of New Zealand's electricity supply, and
- generation capacity, storage and operational flexibility.

(d) refers to the Resource Management (Consenting and Other System Changes) Amendment Act 2025 and that it requires the issuing of a 35-year consent for the scheme.

47. These statements support the benefits of the scheme as advanced by Genesis within its application and AEE.

48. Genesis agrees with the Minister for RMA Reform, and the CRC,¹⁷ that the panel must issue consents for a 35-year term.¹⁸

Minister for Rural Communities

49. Genesis acknowledges the comments received from the Minister for Rural Communities.

50. The Minister for Rural Communities supports the scheme on the basis that:

- it will continue to provide regional employment opportunities;
- it aligns with the purpose of the FTAA to deliver infrastructure projects with significant regional or national benefits; and
- it supports the Government's goal of doubling New Zealand's renewable electricity generation.

51. These statements support the benefits of the project as advanced by Genesis within its application, AEE and Appendix G.

TRANSPower NEW ZEALAND LIMITED

52. Genesis acknowledges the supportive comments received from Transpower, including that:¹⁹

The Tekapo Scheme is a nationally significant asset and plays a vital role in the electricity system – in terms of day-to-day generation of electricity, times of security of supply constraints and in the event of the need to restart the system after failure.

53. These comments reinforce Appendix G to the AEE. In particular that:²⁰

¹⁷ [s53-planning-advice-comments](#) at [121]–[126].

¹⁸ RMA, sch 12 cls 52(1)(b) and (3).

¹⁹ At 1.

²⁰ At 4–5.

... flexibility of other generation is therefore becoming increasingly important in balancing supply and demand during peak consumption periods, with increasing amounts of intermittent generation with variable output connecting to the system.

...

After the water from Lake Tekapo passes through the Tekapo generators (A and B) it flows into Lake Pūkaki (owned by Meridian) via the Tekapo canal. Lake Pūkaki (together with the smaller Lake Ōhau) then supply a further six power stations (Ōhau A, Ōhau B, Ōhau C, Benmore, Aviemore and Waitaki). The Combined Waitaki Power Scheme (including both the Genesis Tekapo Scheme and Meridian Pūkaki Scheme) is the largest hydro generation scheme in the country, with Lake Tekapo contributing approximately 18% and Lake Pūkaki providing approximately 50% of the national controlled hydro storage capability (energy).

54. Transpower's comments refer to a proposed change to the conditions (originally raised in its letter of support) to reflect the intent of the scheme operation. Those proposed changes have been accepted by Genesis, Kā Rūnaka and CRC and are contained in the conditions as provided to the parties for comment.
55. Transpower also raises its concerns if any generation from the scheme (and the Combined Waitaki Power Scheme as a whole) is lost due to environmental flows. Transpower notes the effects on increased dry year risk and the loss of flexible generation to meet peak demand periods or 'fill in' when intermittent generation sources are not operating (or operating at a lower output).²¹
56. Importantly, in relation to climate change, as commented on further below in relation to F&B, Transpower states:²²

A reduction in the Tekapo Scheme's output would also likely lead to more reliance on expensive thermal generation sources to meet electricity demand, resulting in a higher dependency on fossil fuels (including New Zealand's constrained gas supply). This would put added pressure on thermal fuel reserves, further exacerbating the security of supply risk to New Zealand.

THE DIRECTOR-GENERAL OF CONSERVATION

57. Genesis acknowledges the supportive comments received from DOC.
58. These comments reinforce the letter of support that DOC provided in support of the scheme.²³ In particular, as stated at paragraph 3.2, DOC has high

²¹ At 7–8.

²² At 8–9.

²³ [Appendix-U-Letters-of-Support-Redacted.pdf](#).

confidence that the biodiversity objective and outcomes in proposed Condition 28 can be achieved due to:

- The history and ongoing performance of PRR work of the DOC team based in Twizel.
- The multiple independent reviews by Manaaki Whenua Landcare Research regarding PRR biodiversity outcomes.
- The volume and quality of peer reviewed science generated by PRR on the manipulation of braided river ecosystems to produce positive biodiversity outcomes.
- The international standing of the science advisers providing advice on the agreement.
- DOC has a proven history in being able to deliver such a programme.
- The programme is fully costed and funded.

59. Genesis notes one error in the comments from DOC; Genesis' contribution to the IBEP is \$0.287.5m/year not \$0.2m/year.
60. Genesis otherwise agrees with the comments from DOC and notes they align with, and are significantly further expanded on, in the memoranda from Dr Hughey.

OTHER PERSONS INVITED TO COMMENT BY THE PANEL

F&B

61. F&B's position is fundamentally opposite to that of Genesis (and that of CRC, Kā Rūnaka, DOC and all the parties that have provided written support for the project). The fundamental difference relates to what is the existing environment from which to consider the adverse effects of the project. F&B's approach over 50 pages of legal submissions is to throw as much muck as it can against the wall in the hope that something sticks. Genesis does not engage with the many random matters raised by F&B. But, to be clear, it rejects them and if the panel wishes for them to be responded to, Genesis will.
62. Genesis' position is that there is a simple and straightforward answer to what is the existing environment in this case that enables the panel to clearly navigate the obfuscation sought by F&B. Genesis has set out its position in

relation to the existing environment in Appendix F to the AEE. That position is supported by CRC.²⁴

63. In Minute 4, the panel has indicated that Ms Vanessa Hamm has already been asked to provide legal advice to the panel 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; and
 - (b) the scope of panel's discretion to consider effects of the application, and impose conditions, pursuant to the relevant provisions of the WAP.
64. Genesis will therefore wait to consider the advice provided by Ms Hamm before providing more detail, if required, as to the existing environment beyond some brief additional comments below. Minute 4 does not give a timeframe for Ms Hamm's advice, but it would be most valuable to an efficient process if it is provided two working days before the Issues Conference proposed. That way all the parties have time to consider it and respond to it as necessary before, or during, that conference.
65. Other than discussing the legal issue of the existing environment, the only 'issues' that can be resolved at an Issues Conference relate to a very limited range of condition changes sought by CRC (and to a lesser degree F&B). Genesis considers to the degree those minor matters might be able to be resolved, to be useful.
66. On 15 July 2025 the panel received a letter requesting that F&B be invited to comment under s 53(3) of the FTAA.²⁵ On 28 July 2025 the panel exercised its discretion and invited F&B to comment. Genesis only became aware of the 15 July 2025 letter as it was referred to in the panel's minute.²⁶ Having learnt of the existence of the letter from the minute, on 29 July 2025 Genesis requested and received from the EPA a copy of the letter. While Genesis accept that the panel has invited F&B into the process, it questions the natural justice of the process adopted; the panel did not provide Genesis a copy of the letter nor give it the chance to respond. Genesis reserves its position in relation to this matter.

²⁴ [Legal-submissions-for-Genesis-Energy-Limited-for-the-project-overview-conference-22-July-202571038261.1.pdf](#) at [25]–[26]; [s53-planning-advice-comments](#) at 3; [Appendix-01-Memorandum-of-Counsel](#) at [7]–[8].

²⁵ [F-and-B-Memo1-FTAA-2503-1035-Tekapo-Power-Scheme.pdf](#)

²⁶ [FTAA-2503-1035-Minute-2-of-the-Panel-Invite-to-comment-28-July-2025.pdf](#) at [11(b)].

67. In inviting F&B to comment the panel failed to consider inviting other parties, such as Whitewater New Zealand, the Tekapo Whitewater Trust, Mount Cook Alpine Salmon and Fish & Game, given its invitation to F&B (and the clear broader issues F&B had raised). While the range of issues associated with setting any flow regime is addressed below the panel must be sure that if it adopts F&B's position that natural justice is met, and judicial review risk is managed, by its failure to consider other parties.
68. Finally, by way of introduction, should the panel agree with Genesis, Genesis recommends that it still makes the factual assessments sought by F&B and rejects them based on the evidence of Genesis' experts. That reduces the consequences of any appeal by F&B. This conclusion, and request for the decision of the panel is set out at the end of this section.

Project benefits

69. Genesis sets out the project's significant regional and national benefits in its application, AEE and Appendix G and summarises the key points in its legal submissions of 22 July.²⁷ That position is supported through the comments from CRC and the Ministers for the South Island, Regional Development and Rural Communities. F&B also appear to accept that position²⁸ but then provide very little insight to, or consideration of, the benefits of the scheme.

70. F&B's website states that:²⁹

Climate change is the biggest threat nature has ever faced. It harms our forests and oceans and threatens our birds, fish and reptiles. ...

71. Yet F&B's comments are astoundingly light on the benefits of renewable generation in decarbonising our economy and reducing greenhouse gas (**GHG**) emissions.
72. Ms McArthur only uses the effects of climate change against the scheme and fails to raise it as an issue against imposing a minimum flow. Ms Marr's comments mention the positive effects of climate change but then pay superficial regard (at best) to them without considering the climate change

²⁷ [Legal-submissions-for-Genesis-Energy-Limited-for-the-project-overview-conference-22-July-202571038261.1.pdf](#) at [14]–[17].

²⁸ F&B comments at [6].

²⁹ [Climate & Economy | Forest and Bird](#)

implications of what F&B are seeking. The same applies to the F&B comments.

73. The implications of Option One (and generally across all flow regimes) as sought by F&B are set out in the memorandum of Messrs Mooney and Gray in **Appendix 15** in respect of lost generation. As noted in Transpower's comments the role the scheme plays in our electricity system is critical and:³⁰

A reduction in the Tekapo Scheme's output would also likely lead to more reliance on expensive thermal generation sources to meet electricity demand, resulting in a higher dependency on fossil fuels (including New Zealand's constrained gas supply).

74. Gas is not a viable replacement option for the lost Tekapo generation due to declining national gas supply. Rather, the likely replacement, in the current electricity system, would be coal fired generation from the Huntley power station.
75. Gas is not a viable replacement option for the lost Tekapo generation. Rather, the likely replacement at least in the short term while a replacement coal use (biomass) is developed, would be coal fired generation from the Huntley power station. Messrs Mooney and Gray in **Appendix 15** explain that if coal-fired units were used as the source of replacement electricity lost to the flow sought by F&B there would be an increase in the order of 646,000 tonnes of carbon dioxide equivalent per year.
76. To provide some context about such GHG emissions, in 2023 the Government co-funded up to \$140m with NZ Steel (who contributed the rest of the money required) to reduce the GHG emissions from the Glenbrook Steel Mill by 800,000 tonnes per annum.³¹ The Prime Minister at that time stated:

This size of this project demonstrates how serious the Government is about reducing New Zealand's emissions as fast as possible.

This project dwarfs anything we have done to date. Alone, it will eliminate one per cent of the country's total annual emissions.

77. The significant adverse ecological (and landscape) effects of climate change are set out throughout the ecological technical reports on behalf of Genesis.³² The benefits for climate change in relation to reducing GHG emissions are set out in Appendix G to the AEE and is recognised in the comments from the

³⁰ At 8–9.

³¹ [NZ's biggest ever emissions reduction project unveiled | Beehive.govt.nz](https://www.beehive.govt.nz/news/nz-s-biggest-ever-emissions-reduction-project-unveiled)

³² See for example the avifauna report at page 23, the herpetofauna report at page 10, the terrestrial invertebrate report at pages 18 and 19, the vegetation report at pages 46 and 47 and the native fish report at pages 31 and 32.

Minister of Climate Change. The significance of climate change, and the need to take active steps to address it, is also emphasised in the Treaty Impact Assessment (Appendix A to the application) on behalf of Kā Rūnaka.³³

78. The implications of the minimum flow sought by F&B, Option One, is that the effect which F&B state to be "biggest" nature has ever faced will be made worse by its actions. But that outcome is ignored by F&B.
79. Conveniently for F&B's position too, it fails to recognise that if this generation is lost over time new generation, with its own adverse effects, will have to be built to replace it. Appendix G to the AEE considers the potential replacement requirements.
80. In addition, as explained in the Concept Report in Appendix G to the AEE the scheme provides benefits for the price of electricity in New Zealand. Transpower picks up on the implications of a reduction in generation stating that:³⁴

... As a significant catchment for electricity generation, a reduction in the availability of water within the Tekapo catchment for electricity generation could have flow on consequences for security of supply, electricity prices and New Zealand meeting its climate change targets in 2050. ...

Existing environment

81. Genesis considers that F&B's position on the existing environment fails to properly assess the case law, in particular:
 - (a) F&B has only referred to the early Environment Court decisions which are supportive of its position.³⁵ F&B does not refer to the earlier cases which are supportive of Genesis' position.³⁶
 - (b) F&B's summary of *Port Gore Marine Farms v Marlborough District Council* does not mention the key differences to the scheme, including the agreement of the planners in that case and that the construction and operation of the mussel farms would be different from the expired consents.³⁷

³³ At [67]–[85].

³⁴ At 2.

³⁵ *Rotokawa Joint Venture Ltd v Waikato Regional Council* EnvC Auckland A041/07, 18 May 2007; *Sampson v Waikato Regional Council Asset Management Group* EnvC Auckland A178/2002, 2 September 2002.

³⁶ The cases supporting each side are referred to in *Marr v Bay of Plenty Regional Council* [2010] NZEnvC 347, (2010) 16 ELRNZ 197 at [58]–[59].

³⁷ *Port Gore Marine Farms v Marlborough District Council* [2012] NZEnvC 72

(c) The summary of the High Court decision in *Ngāti Rangī Trust v Manawātū-Whanganui Regional Council* does not make it clear that the observations were obiter and limited to the facts of that case.³⁸

82. F&B relies on the Environment Court decision in *Port Gore* and the High Court decision in *Ngāti Rangī*. Genesis' position is that both judgments are distinguishable on their fact. However, *Ngāti Rangī* specifically referenced a passage that goes onto refer to the Waitaki Power Scheme as an example where the general position would **not** apply (as it is fanciful and unrealistic) and *Port Gore* was a decision by the same Judge (Judge Jackson) as in *Alexandra District Flood Action Society Inc v Otago Regional Council*.³⁹
83. Genesis continues to rely on Appendix F to the AEE which is a succinct statement of the position. The brief paragraphs below are a summary of Genesis' position on how the judgments relied on by F&B can, and should, be distinguished from the factual situation the panel is required to consider. That additional response is purely to set out in more detail the rationale for Genesis' position given the different position being advanced by F&B.
84. F&B did not mention *Mason v Bay of Plenty Regional Council*.⁴⁰ That decision refers to the *Alexandra* decision, which remains the more analogous decision to the scheme. In the *Mason* decision the Environment Court observed that the effects for an existing consent may be relevant depending on the circumstances, and in some cases, it is unrealistic not to acknowledge that.⁴¹
85. In *Port Gore* there was no direct authority for the finding that the marine farms were not part of the environment, rather on those facts it was a 'logical consequence' of the expiry of the earlier permits.⁴² It is not a 'logical consequence' of the expiry of the consents for the scheme to consider the environment without the current operating regime. F&B has ignored that the new application in *Port Gore* involved changes to the construction and operation of the mussel farms. The planners in *Port Gore* had also agreed that the mussel farms were not part of the existing environment. In respect of the scheme, Ms Marr is the only planner asserting that the current operating regime is not part of the environment.

³⁸ *Ngāti Rangī Trust v Manawātū-Whanganui Regional Council* [2016] NZHC 2948.

³⁹ *Alexandra District Flood Action Society Inc v Otago Regional Council* EnvC Christchurch C102/05, 20 July 2005.

⁴⁰ *Mason v Bay of Plenty Regional Council* EnvC Auckland A098/07, 30 November 2007.

⁴¹ At [64].

⁴² At [140].

86. The High Court's obiter observations in the *Ngāti Rangī* decision are limited to the particular facts of that case. In the circumstances of this case, applying the approach in *Alexandra* and *Marr v Bay of Plenty Regional Council*⁴³ better meets the purposes of the FTAA and the RMA:
- (a) Genesis is not proposing any changes to the take and flow regime, unlike the applicant in respect of the Raetihi Hydroelectric Power Scheme;
 - (b) there are compelling reasons for the panel to depart from the approach in *Port Gore*, which as noted above can be distinguished on its facts; and
 - (c) it is not feasible to assess the environment as F&B asserts as it ignores a multitude of relevant, and required matters (including in the WAP) beyond the limited ecological matters provided by F&B as addressed below.
87. F&B attempts to distinguish *Alexandra* on the basis that it focused on flooding and sedimentation of artificial lakes. First, the decision relates to the reconsenting of the entire Clutha power scheme not just to flooding and sediment (although those were specific matters of concern). Second, whether a lake is an old riverbed now subject to human control or an old lakebed now subject to human control is irrelevant to the matters being considered.
88. The Environment Court in *Lindis Catchment Group Inc v Otago Regional Council* observed that the authorities on the 'environment' in s 104(1)(a) of the RMA are confusing.⁴⁴ The environment would not usually include the current water permits (or deemed water permits).⁴⁵ In this case the scheme is an unusual circumstance, where it is fanciful or unrealistic.
89. The Environment Court decision in *Aratiatia Livestock Ltd v Southland Regional Council* is distinguishable.⁴⁶ Rule 15A of the WAP includes the existing flow regime as it refers to the 'same activity'. Policy 4.51 of the Canterbury Land and Water Regional Plan (**CLWRP**) also recognises the associated water takes, use, damming, diverting and discharge of water to be part of the environment. Therefore, the relevant matters are, in this case, already within the plans.

⁴³ *Marr v Bay of Plenty Regional Council* [2010] NZEnvC 347, (2010) 16 ELRNZ 197.

⁴⁴ *Lindis Catchment Group Inc v Otago Regional Council* [2019] NZEnvC 179 at [51].

⁴⁵ At [53].

⁴⁶ *Aratiatia Livestock Ltd v Southland Regional Council* [2019] NZEnvC 208. It relates to plan making not a resource consent decision.

Rule 15A and activity status

90. Genesis' position is as set out in the memorandum of Mr Matthews in **Appendix 1**. CRC's comments, and the memorandum of Ms Black, support Genesis' position.

91. F&B argue that the activity is governed under Rule 16 of the WAP and its status is non-complying. That position is rejected by Mr Matthews in his memorandum in **Appendix 1**. Mr Matthews concludes that:

Contrary to the opinions stated by Ms Marr, Ms McArthur and Forest and Bird, I consider that the Tekapo River minimum flow specified in Table 3B(ii) is met and that the applications for the Tekapo PS do comply with Rule 2 in the WAP, meaning that the consent applications are to be considered as controlled activities.

92. That position is supported by CRC's comments, and by Ms Black, that Rule 15A applies. The same position is adopted by Kā Rūnaka whose position is that first and foremost Rule 15A requires consents to be sought for the "same activity". Therefore, for Kā Rūnaka, the existing environment argument is academic because the requirement is in the rule.

93. As above, F&B consider Rule 16 of the WAP applies. F&B's position is that as there is not s 104D of the RMA under the FTAA, the application becomes discretionary.⁴⁷ F&B states that it does not seek consent is declined.⁴⁸ Rather F&B state that there are broader grounds to apply conditions. Setting aside Genesis' position that it is a controlled activity, Genesis disagrees that the activity can become discretionary under the FTAA. Rather the activity status itself would remain but there is no s 104D gateway test. Any conditions addressing adverse effects of the scheme still hinge on the existing environment. Conditions requiring compensation can still only be applied with Genesis' agreement and *Augier* conditions still cannot be altered.

94. Genesis' position on the controlled activity status is set out in its legal submissions on 22 July 2025. That position remains. However, if the panel did accept the position argued by F&B, then Genesis' position is that the "take into account" direction is highly persuasive when the underlying activity status is a controlled activity.

⁴⁷ At [64].

⁴⁸ At [174].

Minimum flows under Rule 15A

95. There is no "requirement"⁴⁹ for, or "expectation"⁵⁰ of, minimum flows to be considered under Rule 15A as stated by F&B. It is solely a matter of control; the consent authority's ability to impose conditions is limited to only those matters listed. To have flows as a "requirement" to consider, rather than an option to impose conditions should it be considered necessary, also goes against the chapeau of Rule 15A that it must be "for an application for a new consent for the same activity".
96. Genesis always has been clear that under both its interpretation of the existing environment, and Rule 15A, conditions can be set so long as the legal and planning requirements are met. Indeed, Genesis has proposed conditions addressing ongoing adverse effects of the scheme, for example in relation to fish salvage. Genesis has also proffered compensation conditions to respond to residual adverse effects which Dr Hughey strongly supports in his two memoranda (including **Appendix 2**).

Should a minimum flow be set?

97. No. First and foremost, this is based on Genesis' position as to the existing environment and its technical assessments in relation to that.
98. Secondly, as made clear by Mr Matthews in his memorandum in **Appendix 1**:

As I have discussed above, there is no "default" minimum flow for the Takapō River under the WAP. The minimum flow for the Takapō River is 3.4 m³/s from the Fork Stream confluence to Lake Benmore, measured immediately downstream of the Mary Burn confluence, as set out in Table 3B(ii) of the WAP. That minimum flow is maintained under the applications made for the Tekapo PS.

99. Third, Genesis' relevant ecology experts all consider in their memoranda appended to these comments that the IBEP provides appropriate and/or greater ecological benefit than any of F&B's proposed minimum flows.⁵¹ In relation to native fish, Dr Allibone in **Appendix 3** has raised significant concerns as to the flows proposed by F&B enabling predatory fish to access currently inaccessible areas. In relation to flushing flows, Dr Young states in **Appendix 7** that "the effectiveness of individual flushes at removing

⁴⁹ At [16].

⁵⁰ At [17].

⁵¹ Dr Ken Hughey in **Appendix 2**; Dr Leigh Bull in **Appendix 4**; Dr Graham Ussher in **Appendix 6**; and Dr Gary Bramley in **Appendix 8**.

periphyton and didymo is somewhat uncertain and the effects will be temporary".

100. However, even if the panel disagrees with Genesis' position and agrees with F&B, factually in this case F&B has failed to provide the necessary comments and information to support a minimum flow being provided. Critically, F&B has solely addressed a limited scope of ecological effects (and even then, ignored the negative ecological effects of providing a flow, including in relation to climate change and improved access of predatory fish into the aquatic system, strongly rejected by Dr Allibone in his memorandum in **Appendix 3**).
101. In relation to wider considerations, they are clear within Rule 15A itself but also, critically, within Policy 4 of the WAP which lists the matters to be considered when setting environmental flow and level regimes. Eighteen matters are listed there, and Genesis' position is that the benefits of the scheme and any impacts on them must also be considered (both under the RMA and the FTAA).
102. F&B has therefore failed to provide the required information for the panel to undertake a flow assessment.
103. In addition, Kā Rūnaka:
 - (a) are not seeking an alternative flow regime in this process;
 - (b) consider it is not appropriate for alternatives flows to be derived in the determination of Genesis' application; and
 - (c) request that the panel grant consent only on the basis of the flow regime sought by Genesis.
104. As stated during the overview conference, if the panel was minded to consider a minimum flow in the Takapō River, which F&B's expert considers to entail a "complex and inexact exercise", ⁵² it would:
 - (a) have to consider that there was an effect from the existing consented activity sufficient to justify a flow;
 - (b) overcome the evidential position in that F&B have solely provided a limited range of options focused solely on a limited range of ecological matters (and ignoring the adverse ecological effects of any flow);

⁵² [F-and-B-Memo1-FTAA-2503-1035-Tekapo-Power-Scheme.pdf](#) at [27].

- (c) consider the pre-scheme environment for which very limited information (if any at all for some effects) exists;
- (d) if flows were to be considered, require information covering a wide range of experts considering effects on cultural values, landscape values, and recreational values amongst others (and ensure all matters listed in Policy 4 of the WAP are addressed along with the adverse effects of the flow on the benefits of the scheme);
- (e) have to consider and make determinations on matters to prioritise in establishing what that flow would be and justify how it has undertaken that prioritisation and in doing so:
 - (i) assess negative effects of a flow, including but not limited to (and all matters in Policy 4 of the WAP must be included) and reflecting between 70 and 50 plus years of operation depending on the location in issue:
 - (1) adverse cultural effects;
 - (2) adverse effects on the nationally significant whitewater recreational course (as set out in **Appendix 18**);
 - (3) adverse effects on the existing water quality within the river (providing a flow would reduce some key water quality parameters within the river, including due to the glacial flour within the river water);
 - (4) the loss of, or changes to, natural inland wetlands created and maintained by the present flow regime (Mr Matthews refers specifically to the Patterson Ponds);
 - (5) adverse effects on the nationally significant canal fishery (as set out in **Appendix 19**);
 - (6) adverse effects on the Mount Cook Alpine Salmon farm operating in the canal (as set out in **Appendix 20**);
 - (7) adverse effects to aquifer / groundwater systems;
 - (8) adverse effects arising from the enablement of trout to access environments for native fish that are presently

protected (a major issue of concern for Dr Allibone in his memorandum in **Appendix 3**); and

- (9) adverse effects arising from the loss of dryland habitat for indigenous species;
- (ii) assess the adverse effects of the reduction in, or loss of, the significant benefits arising from the IBEP (for which funding will be reduced if flows are introduced); and
- (iii) assess the adverse effects on the regionally and nationally significant benefits of the scheme (including on climate change and the price of electricity for the New Zealand economy);
- (f) assuming climate change is accepted by the panel, how will a minimum flow impact on, and alter the panel's assessment of, both the adverse effects of the minimum flow and the significant positive effects of renewable generation reducing GHG emissions;
- (g) the need to design, consent (such consents have not been sought) and construct a new engineering solution (likely a siphon system) around both Gate 16 and the Lake George Scott weir structures to enable the delivery of the minimum flow as set out in the memorandum in **Appendix 16**. Mr Balme states:

Creation of a continuous flow from Lake Takapō into the Takapō River downstream of Lake George Scott is not a simple case of opening the gates at the Lake Tekapo Control Structure and letting the water spill over the Lake George Scott Weir. A high-level review of potential options has found the most technically feasible option would be to construct new bypass structures at both locations. The magnitude of flow will drive the scale of the civil infrastructure required, but in any case, the works will not be simple or low impact.

- (h) the need for further consents which have not been sought for the adverse effects of minimum flows, including the legal complications of potential prohibited activity status for the loss of natural inland wetlands created and maintained by the present flow regime;
- (i) how any alternative flow fits within Rule 15A of the WAP; and
- (j) that:

- (i) the effect requiring the minimum flow was sufficiently significant to be out of proportion to the benefits of the scheme (which Genesis disputes); and
- (ii) any condition was no more onerous than necessary.

Other matters

105. As mentioned above, the F&B submissions raise numerous matters which Genesis does not intend to respond to for the sake of brevity. However, in passing the following matters are noted.

- (a) IBEP: F&B provided many comments relating to the IBEP and especially how it was established. The question is not how it was established but whether it will deliver enhanced ecological outcomes. The answer is yes, which can confidently be said based on the significant success of PRR since 1991 and the significant increase in funding proffered. As addressed above the IBEP (and its conditions) are supported by Kā Rūnaka and DOC. In his memorandum in **Appendix 2**, Dr Hughey responds succinctly to the many matters raised by F&B over the development of, and funding for, the IBEP. He sets out what the focus and outcomes for the IBEP were (all entirely appropriate) and that the negotiations were not driven by funding amount. He retains his position as to the appropriateness of the IBEP.
- (b) Compensation: if the panel agrees with F&B, then the compensation within the IBEP will either be removed entirely or reduced. That is because the IBEP compensates for the residual adverse effects of no flows (and the scheme as a whole). If flows are added as mitigation, as sought by F&B, the effects alter and so will the compensation.
- (c) Positive effects: F&B states that if Genesis' position on the existing environment is correct, then it also applies to positive effects. That position is fundamentally wrong. The basis of the existing environment is to address s 5(2)(c) of the RMA, being the obligation to avoid, remedy or mitigate any adverse effects of activities on the environment. No case law has taken the approach that positive effects are no longer relevant. Indeed, in *Alexandra* the Court specifically mentioned the positive effects of the project.⁵³

⁵³ At [74]. Positive effects were also a significant consideration in the Environment Court's decision in *Marr v Bay of Plenty Regional Council* [2010] NZEnvC 347, (2010) 16 ELRNZ 197.

- (d) Infrastructure: the scheme clearly relates to infrastructure which must by its nature include the use of that infrastructure. The listing of the project in Schedule 2 of the FTAA makes that clear.
- (e) Consistency with planning documents: the scheme is consistent with the relevant planning documents read as a whole and in context as set out in the AEE and Mr Matthews' memorandum in **Appendix 1**. Mr Matthews concludes:

Having reviewed the evidence statement from Ms Marr as well as having prepared the Tekapo PS applications, assessment of effects and the Canterbury Policy Assessment presented in Appendix T to the FTAA application for the Tekapo PS, I am confident with and stand by the policy assessment provided with the application. I have also considered the relevant National Policy Statements (including the National Policy Statement for Renewable Electricity Generation, the NPSFM and the NPSIB) and am satisfied that when considering the policy framework as a whole, the Tekapo PS applications are consistent with the Canterbury policy framework and national policy direction and commitments.

Genesis' position in relation to consistency with the NPSFM is supported by the comments from the Minister for RMA Reform.

Conclusion in relation to F&B's comments

- 106. Genesis rejects the comments made by F&B as set out above (and in earlier memoranda). Genesis disagrees with F&B's interpretation of the existing environment, and the implications (and application) of Rule 15A. F&B failed to undertake a complete assessment of all relevant factors (including under Policy 4 of the WAP) in relation to its proposed minimum flow. Further, Genesis' relevant ecology experts consider that the IBEP provides appropriate and/or greater ecological benefit than any of F&B's proposed minimum flows.⁵⁴ In relation to native fish, Dr Allibone in **Appendix 3** has raised significant concerns as to the flows proposed by F&B enabling predatory fish to access currently inaccessible areas. In relation to flushing flows, Dr Young states in **Appendix 7** that "the effectiveness of individual flushes at removing periphyton and didymo is somewhat uncertain and the effects will be temporary".
- 107. However, as mentioned above, even if the panel agrees with Genesis' position in relation to the existing environment, then it should still address the position as to minimum flows raised by F&B. Relying on appended memoranda by

⁵⁴ Dr Ken Hughey in **Appendix 2**; Dr Leigh Bull in **Appendix 4**; Dr Graham Ussher in **Appendix 6**; and Dr Gary Bramley in **Appendix 8**.

Genesis' relevant ecology experts (as above) the panel can factually find against the minimum flow position advanced by F&B.

TECHNICAL COMMENTS ON BEHALF OF GENESIS

108. Following the issuance of the Panel Conveners' Practice and Procedure Guidance Note, Genesis has requested that all its experts provide their compliance with the code of conduct and a summary of their qualifications and experience. Simple memoranda delivering this are provided in **Appendices 9 to 14** relation to project benefits (and the electricity system), recreation, landscape, economic analysis, lakeshore erosion, hydrology and hydrogeology (one report with two authors).

109. In relation to matters raised in comments:

- (a) For environmental compensation Dr Hughey responds in **Appendix 2** to the matters raised in comments by F&B and CRC and notes that:

Where possible the IBEP seeks to protect and enhance a range of these values (e.g., birds, vegetation and terrestrial invertebrates at place (at different scales of course)) thus delivering cost-effectiveness and the potential to achieve very significant outcomes. The success of this approach has been demonstrated through PRR since 1991, What is now proposed is significantly bigger programme and associated much greater funding that can only deliver enhanced benefits for indigenous biodiversity.

- (b) For native fish Dr Allibone in **Appendix 3** responds to Ms McArthur (for F&B) and Dr Meijer (for CRC). A key concern for Dr Allibone in relation to flows proposed by Ms McArthur is the potential for predatory species to access places they presently cannot and the adverse effects that would have on the "protection of threatened species (upland longjaw galaxias 'Waitaki', the lowland longjaw galaxias 'Waitaki' and bignose galaxias)." Further, Dr Allibone notes that adding flow to the Tekapo River will not create lowland longjaw or bignose galaxiid habitat.

- (c) For avifauna Dr Bull concludes in **Appendix 4**:

I have reviewed the evidence prepared by Dr McClellan (Forest & Bird) and Dr Jack (CRC) and my assessment of effects on avifauna still stands. Furthermore, it is my opinion that the Kahu Ora Programme will provide greater benefits to avifauna within the Tekapō catchment than are currently received under Project River Recovery.

- (d) For terrestrial invertebrates Mr Toft notes in **Appendix 5** that he has "reviewed the evidence prepared by Forest and Bird / CRC and my assessment on terrestrial invertebrates still stands."
- (e) For herpetofauna Dr Graham Ussher responds in **Appendix 6** to comments from Dr Tocher on behalf of CRC with no changes being proposed.
- (f) For aquatic environmental effects, Dr Rodger Young in **Appendix 7** responds to Ms McArthur's comments (for F&B) and those by Dr Bayer and Dr Meijer (for CRC) with no changes to his position proposed.
- (g) For vegetation Dr Gary Bramley in **Appendix 8** has reviewed all of the relevant comments and has not changed his position as set out in his technical report.

Dated this 1st day of September 2025



David Allen / Chelsea Easter
Counsel for Genesis Energy Limited