

**BEFORE AN EXPERT PANEL
LAKE PŪKAKI HYDRO STORAGE
AND DAM RESILIENCE WORKS**

FTAA-2510-1120

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

In the matter of an application for resource consents for the Lake Pūkaki
Hydro Storage and Dam Resilience Works

By **MERIDIAN ENERGY LIMITED**

Applicant

GENESIS ENERGY LIMITED MEMORANDUM OF COUNSEL

29 June 2026

BUDDLE FINDLAY

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MAY IT PLEASE THE PANEL:

1. Genesis Energy Limited (**Genesis**) acknowledges that the Panel has no obligation under the Fast-track Approvals Act 2024 (**FTAA**) to accept this memorandum or to consider its contents.¹ It has been filed to ensure the Panel is aware of a potential jurisdictional issue and procedural fairness concerns arising from the further material recently filed by Meridian in respect of the draft conditions.
2. There is no statutory right for the applicant, or any other person who provided comment under s 53 of the FTAA, to comment on the draft decision itself.² Nor is the draft conditions process a further evidential stage. The further evidence from Amy Callaghan, Rory Blundell³ and the 18 June 2026 Damwatch memorandum should be disregarded by the Panel to the extent that it goes beyond commenting on the wording, implementation or workability of draft conditions and advances new or supplementary technical opinion evidence:
 - (a) the Panel has made its findings on the conditions relating to the temporary structure (including that a condition precedent was required) and the expiry date being 1 September 2028;
 - (b) providing additional information at such a late stage of the process on substantive decisions already made by the Panel is outside the proper scope of comments on draft conditions, and does not assist the Panel in making its final decision;
 - (c) there is nothing in the statements or memoranda explaining why those matters were not provided with Meridian's response to comments in April, given the matters were raised in Genesis' s 53 comments and proposed conditions on 8 April; and
 - (d) it is a breach of the legislative FTAA process and natural justice to use the procedural step of responding to the Panel's draft conditions and other comments on those conditions to bolster Meridian's previous evidence, or to remedy its absence particularly where Genesis has no corresponding opportunity to respond.

¹ The Panel is required by sch 3 cl 10(1) to regulate its own procedure as it thinks appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of the approvals sought in a substantive application. However, this information has not been provided through ss 53 or 70.

² See for example the Panel's comments in the decision on the [Waitaha Hydro Scheme](#) at [113]–[123] (acknowledging that the Panel has discretion under s 81(6) and sch 3 cl 10(1) to consider late information).

³ In respect of condition expiry date, winter works, and Tekapo B weir preparatory work.

3. By way of non-exclusive example, the 18 June 2026 Damwatch memorandum:
 - (a) proposes matters otherwise required as minimum components of the Repair Strategy and Associated Works Programme be left to the SQEP discretion; and
 - (b) proposes a material alteration to Condition 22 by allowing works to be completed during the consent term as lake levels allow, rather than before any lowering below 518.0 mRL.

Those matters go beyond commenting on the wording or practical implementation of draft conditions. They go to the substance of the Panel's draft decision, which as stated in Genesis' comments on the draft conditions must be interpreted to have supported the evidence of Dr Mitchell and WSP.⁴

4. Due to the FTAA process, of which Meridian is aware, Genesis has no statutory opportunity to respond to the 18 June 2026 Damwatch memorandum, as it had for the earlier memoranda from Damwatch.
5. Meridian had the opportunity to, but did not, engage with the conditions Genesis submitted with Dr Mitchell's evidence on 8 April 2026 in the manner now advanced until after Genesis' opportunity to comment on them had passed. Meridian's proposed changes to conditions 19, 20 and 22 fundamentally change the scope of the conditions Genesis had proposed, and the Panel had largely adopted its draft decision and conditions (the 'what' and the 'when'). The changes sought by Meridian go to the substance of the issue in relation to the Temporary Structure and the findings the Panel must have made in its draft decision.
6. Genesis respectfully submits that the further material filed by Meridian should be disregarded to the extent it advances technical opinion evidence on the necessity, scope or appropriateness of conditions 19, 20 and 22. To do otherwise is a clear breach of the FTAA process and of natural justice.
7. Finally, to avoid any uncertainty in the future:
 - (a) Genesis reiterates that the Applicant's access to its land is conditional, as set out in Genesis' response to the request for further information.⁵
 - (b) Neither Ms Callaghan nor the legal submissions have engaged on s 28 of the FTAA and the definition of the project. Genesis' position on this

⁴ [Genesis Energy Limited comments on draft conditions](#) at [4].

⁵ See [Genesis Energy Limited comments on draft conditions](#) at [5]–[6].

matter has been consistent; the winter only period must be imposed as that is the very 'project' sought by Meridian.

A handwritten signature in blue ink, appearing to read 'D. Allen' or similar, with a stylized, cursive script.

David Allen / Chelsea Easter
Counsel for Genesis Energy Limited