

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

**MEMORANDUM OF COUNSEL FOR GENESIS ENERGY LIMITED IN ADVANCE
OF CONVENER'S CONFERENCE**

9 June 2025

BUDDLE FINDLAY

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MAY IT PLEASE THE PANEL CONVENER:

1. This memorandum of counsel is filed on behalf of Genesis Energy Limited (**Genesis**) in advance of the convener's conference, scheduled for 10am on Friday 13 June 2025.

Participants at the conference

2. The relevant iwi authority and relevant Treaty settlement entities that should be invited to attend the conference are:
 - (a) Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (**Waitaki Rūnaka**); and
 - (b) Te Rūnanga o Ngāi Tahu.
3. As set out in Appendix B to the application, Ben Williams and Rachel Robilliard from Chapman Tripp are counsel for Waitaki Rūnaka and Te Rūnanga o Ngāi Tahu.
4. The relevant local authorities, as defined in s 4(1) of the Fast-track Approvals Act 2024 (**FTAA**), that should be invited to attend the conference are:
 - (a) Canterbury Regional Council; and
 - (b) Mackenzie District Council (although no district consents are being sought).
5. The relevant administering agency that should be invited to attend the conference is the Ministry for the Environment.
6. It is not necessary to invite any representatives of any relevant chief executive to attend.

Approvals sought

7. Genesis is solely seeking replacement resource consents relating to the damming, taking, diverting, use and discharge of water relating the Tekapo Power Scheme (**Tekapo PS**).
8. The replacement consents sought are set out in Table 9 of the application.

Complexity

9. There is no legal, evidentiary or procedural complexity in respect of the replacement consents sought. Despite the scale of the Tekapo PS and the

significant regional and national benefits, the application for replacement resource consents is likely as straightforward of an application that will ever be considered through the FTAA regime:

- (a) only one type of approval is being sought;
- (b) the replacement resource consents have a controlled activity status and must be granted;
- (c) the effects of the Tekapo PS are well understood and have been occurring since the commissioning of Tekapo A in 1951 and Tekapo B in 1977;
- (d) Genesis has reached agreement with:
 - (i) Waitaki Rūnaka, with their support of the applications to also be regarded as being the position of Te Rūnanga o Ngāi Tahu;
 - (ii) Department of Conservation (**DoC**) (and Meridian) regarding the continuation of and increased funding for an indigenous biodiversity enhancement programme which addresses the ecological issues associated with the scheme;
 - (iii) Central South Island Fish and Game Region regarding game fish matters (including fish salvage);
 - (iv) the Trustees of the Tekapo Whitewater Trust and Whitewater New Zealand Incorporated on recreational matters;
 - (v) Mackenzie District Council; and
 - (vi) New Zealand Transport Agency;
- (e) written letters of support have been provided by:
 - (i) Waitaki Rūnaka;
 - (ii) Te Rūnanga o Ngāi Tahu;
 - (iii) DoC;
 - (iv) Central South Island Fish and Game Region;
 - (v) the Trustees of the Tekapo Whitewater Trust and Whitewater New Zealand Incorporated;

- (vi) Mackenzie District Council;
 - (vii) New Zealand Transport Agency;
 - (viii) Transpower; and
 - (ix) Mount Cook Alpine Salmon;
- (f) Land Information New Zealand has provided a written approval for the resource consent applications; and
- (g) the fact that the FTAA is a new regime does not of itself cause any legal complexity (the application has clearly stepped through the assessment criteria for the resource consents (refer to section 1.5.2 and Table 8)).

Issues

10. There are ongoing discussions on minor modifications to the proposed conditions, but no major issues as far as Genesis is aware. As noted above, Genesis has reached agreement with key stakeholders. Genesis and Canterbury Regional Council are intending to meet further to discuss issues and the conference generally.

Appointment of panel members

11. There are no factors that warrant the appointment of more than four panel members.
12. Genesis suggests that the key knowledge, skills and expertise required to decide the application are more focused on experience of decision making but include:
- (a) legal;
 - (b) decision making / planning / physical geography; and
 - (c) cultural.

Procedural requirements

13. Genesis is willing to engage directly with the panel as necessary to advance progress of the application efficiently. This could include providing an overview of the Tekapo PS with reference to a powerpoint presentation at an initial briefing, as has occurred for other projects under the FTAA process. Also, if

desired by the panel, Genesis could arrange a site visit to occur (including before the invitation for comments occurs).

14. Genesis considers that a hearing is not required for this application. The controlled activity status and support from key stakeholders supports this position.

Estimated timeframe

15. Genesis' estimated timeframe is set out in **Appendix One** to this memorandum.
16. The default 30 working days from receiving comments to issuing a decision should apply. That default timeframe was included in the FTAA for a reason.
17. As set out above, given the activity status and level of agreement with, and support from, key stakeholders, if this project is not appropriate for the default timeframe there is a question over whatever would be. The default timeframe was retained by the Select Committee and was extended by five working days (to 30 in total) to accommodate the extension of timeframe for the Minister for Māori Crown Relations and Minister for Māori Development to provide comment on the panel's report.
18. While no additional time (beyond the statutory 10 working days) is provided for the Minister for Māori Crown Relations and Minister for Māori Development to provide comment on the panel's report, that must be considered in light of the context that:
 - (a) Waitaki Rūnaka:
 - (i) have reached an agreement with Genesis;
 - (ii) have provided a letter in support; and
 - (iii) have agreed to the conditions before the panel;
 - (b) given the position of Waitaki Rūnaka, it would be unexpected for the Minister for Māori Crown Relations and Minister for Māori Development to provide substantive comment; and
 - (c) it is at those Minister's discretion whether they provide comment.

Attendance

19. In addition to counsel, Ellie Watson (Environmental Manager – South Island Renewables) and Richard Matthews (project planner) will attend the conference for Genesis.

Dated this 9th day of June 2025

A handwritten signature in blue ink, appearing to read 'D. Allen' or similar, written in a cursive style.

David Allen / Chelsea Easter
Counsel for the Applicant

APPENDIX ONE: GENESIS' ESTIMATED TIMEFRAME

Step	Timeframe	Date
1. Panel commencement	N/A	Monday 23 June 2025
2. Invite comments from relevant parties (s 53)	10 working days after Step 1	Monday 7 July 2025
3. Comments close (s 54)	20 working days after Step 2	Monday 4 August 2025
4. Genesis may respond to any comments received (s 55)	5 working days after Step 3	Monday 11 August 2025
5. Draft conditions issued for comment (s 70(1))	10 working days after Step 4	Monday 25 August 2025
6. Invite comments from Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development on the draft decision, including any draft conditions (s 72(1))	13 working days after Step 4	Thursday 28 August 2025
7. Comments close on draft conditions (excluding applicant) (s 70(2)(a))	5 working days after Step 5	Monday 1 September 2025
8. Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development may provide comments (s 72(2))	10 working days after Step 6	Thursday 11 September 2025
9. Comments close on draft conditions for applicant (s 70(4))	5 working days after Step 7	Monday 8 September 2025
10. Decision release (s 79)	5 working days after step 9	Monday 15 September 2025