MINUTE 6 OF THE EXPERT PANEL
Opportunity to respond to technical advice
Tekapo Power Scheme [FTAA- 2503-1035]

25 September 2025

Review of IBEP

[1] This minute seeks the Applicant's and any other participant's response to the memorandum from Christina Robb, comprising her review of the IBEP programme. A copy of Ms Robb's memorandum is **attached** to this minute.

[2] In summary, Ms Robb's review of the IBEP concludes that:

(a) The Panel can have "reasonable confidence" that the IBEP will deliver ecological and biodiversity outcomes in the Waitaki catchment; and

(b) That the Panel could be more confident regarding the delivery of those outcomes if the Applicant is willing to offer revisions to the consent conditions as summarised in paragraph 19 of Ms Robb's memorandum.

[3] Ms Robb's opinion is that the condition revisions that she suggests would not alter the draft Kahu Ora, prepared as the first 10-year strategic plan under the IBEP, but would cement the concept of outcomes already included in it, and ensure that other parties working in biodiversity in the Waitaki catchment have an opportunity to provide input and feedback.

[4] The Panel will receive and consider responses from any participant who chooses to respond. However, the Panel particularly requests that the Applicant

provide a response confirming whether or not it is willing to offer any changes to the proffered consent conditions to address the matters raised in Ms Robb's memorandum. The Panel requests that any response is provided by **5pm, Monday 29 September 2025**.

Other matters

[5] The Panel notes that Ms Robb has not addressed the Environment Court Code of Conduct for Expert Witnesses in her memorandum. The Panel will request that Ms Robb prepare an addendum confirming compliance with the code, which will be circulated to the Applicant and other participants once received.

[6] The Panel acknowledges the Applicant's comments in its response to RFI 2 and Minute 5, in particular regarding the Panel's engagement of Ms Robb and Dr Lieffering without first seeking the views of the participants. For completeness, the Panel records its conclusion that it needed to act promptly in the circumstances to ensure:

(a) The Applicant and participants had sufficient time to respond to Ms Robb's review, should the Panel seek those responses; and

(b) The Panel is able to meet its obligation to circulate a draft decision to identified Ministers (FTAA s72), and draft conditions to participants (FTAA s70), on or before 3 October 2025.

Daniel Sadlier
Expert Panel Chair

To The Expert Consenting Panel for Genesis Energy's application to reconsent the Tekapo Power Scheme.

Attention: Daya Thomson

From Christina Robb, 25 September 2025

1. The Panel has sought a review of relevant documents, and the provision of technical advice/opinion to assist the Panel to understand:
   - The success of Project River Recovery in delivering ecological gains to compensate for the effects of the Combined Waitaki Power Scheme.
   - The degree of comfort that the Panel can have that the IBEP (including its first 10-year strategic plan "Kahu Ora") approach now proposed, together with the increased level of funding, will deliver significant ecological/biodiversity improvements for the catchment.
   - Whether the proposed IBEP conditions are appropriate in terms of securing the IBEP, and providing for ongoing assessment and reporting of the outcomes of the IBEP sufficient that stakeholders can assess its efficacy as compensation for the effects of the Tekapo Power Scheme over the life of the consent (assuming 35 years duration).

2. I am familiar with the Waitaki catchment through my work as an adviser to the Waitaki Catchment Water Allocation Board and through my role at Environment Canterbury prior to 2016 when I was the programme manager for the Canterbury Water Management Strategy and involved with both the Upper Waitaki and the Lower Waitaki South Coastal Canterbury zone committees. Since leaving Environment Canterbury in 2016, I have provided advice to various private and government agencies including working across all regional councils on their catchment work programmes (biodiversity and freshwater) and catchment action planning.

3. In preparing the comments below I have reviewed:
   - Project River Recovery Strategic Plan for 2012-2019.
   - Project River Recovery Interim Strategic Plan 2020-2023.
   - The Project River Recovery Annual reports from 2008-9 through to 2022-23.
   - The relevant parts of the AEE addressing Project River Recovery and the Indigenous Biodiversity Enhancement Programme.
   - The draft Kahu Ora - 10 year strategic plan as contained in Appendix E of the AEE.
   - The latest version of the proposed conditions of consent dated 22 September 2025.
   - Material provided by Dr Ken Hughey on 18 July and 25 August 2025.
   - Planning advice from Environment Canterbury which includes advice from Tim Davie.
   - Suggested changes to conditions – Environment Canterbury (conditions as of 25 July 2025).
   - The technical advice provided by:
     - Dr Jean Jack, Kennedy Lange, Dr. Chris Meijer (Environment Canterbury).
     - Kate McCarthur, Michael Harding, Dr Rachel McClennan (Forest and Bird).

<u>Project River Recovery</u>

4. Project River Recover has delivered documented ecological gains for the Waitaki catchment. The Project River Recovery Interim Strategic Plan 2020-2023 outlines (at section 5) the achievements from 2012-2019 including:
   - Maintaining over 23,000 hectares of natural braided river habitat by targeted removal of problem weeds.

- Undertaking weed management of selected sections of modified habitat to restore habitat quality over a further 7000 hectares of braided riverbed.
- Funding a large-scale predator control operation in the Tasman River to benefit multiple wader bird species.
- Ongoing management of over 80 hectares of constructed wetlands which have been highly successful in attracting a variety of wading birds, waterfowl and other wetland birds and have important botanical values.
- Surveys of riverbirds and a pilot survey of braided river invertebrate species assemblages.

5. I consider the following aspects of Project River Recovery are important for the Panel to note:
    - Prior to developing the Interim Strategic Plan for 2020-23, the Department of Conservation sought an independent review of the programme.
    - The Department of Conservation provides annual reports including detailed expenditure which are made publicly available alongside the Strategic Plans on the Project River Recovery website (hosted by Department of Conservation).
    - The Strategic Plan for Project River Recovery has objectives which it uses to group and report on projects. These are:
        - Maintain indigenous biodiversity; protect and restore terrestrial and aquatic river and wetland habitat and the ecological communities within it, by controlling and where possible eradicating invasive weeds.
        - Test and where possible improve the effectiveness of, and implement experimental predator control for population recovery of braided river and wetland fauna.
        - Increase public awareness of braided rivers and associated wetlands within a changing environment.
        - Gain ecosystem knowledge in upper Waitaki rivers and wetlands through research and monitoring.
        - Protect and manage upper Waitaki wetlands.
        - Facilitate research by external agencies, including universities, to improve our understanding of the ecology of braided river systems.
    - Project River Recovery staff clearly work with other agencies involved in biodiversity work in the catchment and have adjusted their annual work to better complement or avoid overlaps with other agencies.
    - The Programme has evolved and broadened over time. Over the latter years of the 2012-2019 Strategic plan there was a move to a "whole river, whole ecosystem approach" which includes the riverbanks, lower terraces, terrace risers and terrace edges, and especially all associated wetlands.

<u>Indigenous Biodiversity Enhancement Programme</u>

6. The panel can be reasonably confident that the IBEP will deliver ecological and biodiversity benefits in the Waitaki catchment because:
    - The programme builds on and has learnt from Project River Recovery – a long-standing programme with documented ecological improvements.
    - Together with the funding from the Waitaki Power Scheme, the funding is increased from the current $ 656,000 per annum (2023) to $2.3 million per annum of which Genesis contributes 12.5% (Ken Hughey 18 July). While the funding has increased so has the areal extent and the programme now includes the lower Waitaki river. The distribution of

funding to the lower Waitaki river is 31%. Even if that 31% is removed from the equation, there is an increase in funding from $656,000 to $1.59 million. The minimum quantum of funding is set in the resource consent conditions (and CPI adjusted).
- Kahu Ora contains outcomes for each zone which form the basis on ongoing monitoring, evaluation and reporting.
- The AEE states that "*the implementation and delivery of Kahu Ora will be managed and led by the Department of Conservation"*.

7. In my view the broad objective of the IBEP as set out in the draft conditions is appropriate. It targets aspects of the catchment altered by the electricity generation activities - "*the braided rivers including their braid plains and margins; of Lake margins and deltas; and Wetland and springs associated with lakes and braided rivers within the Waitaki Catchment*."

8. The broad objective and a holistic catchment approach will allow the programme to adjust to new or increased threats, new information and to better target interventions and projects.

<u>Kahu Ora</u>

9. I have reviewed "Kahu Ora Draft 10-year Strategic Plan" (dated April 2025) provided in Appendix E to the AEE.

10. Kahu Ora has been overseen and prepared by representatives for Department of Conservation, Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki, Te Rūnanga o Waihao, Meridian and Genesis.

11. The catchment is divided into four zones and for each zone, the AEE states that "*the strategic plan will outline a 35-year vision for the zone, the expected actions for the zone for the first 10-year strategic plan period and the expected outcomes for that period*". The outcomes contained in Kahu Ora are more specific and location focussed than the objectives set within the Project River Recovery Strategic Plans. I have included below some examples of each of these aspects for Zone 2 (the mid-river catchments and their wetlands) in order to illustrate the level of detail contained within Kahu Ora:
    - A component of the 35-year vision is: *Stable and growing populations of some threatened species of indigenous flora and fauna are supported by suppressing predators and browsers at high value sites.*
    - The outcomes over the 10-year of the strategic plan include: *Indigenous river bird values protected by maintaining low densities of karoro across 3 rivers, and maintaining 1 and establishing 8 islands to support bird nesting through the Upper Ōhau and Takapō Rivers respectively.*
    - The minimum monitoring includes *Bird population trends across mid catchment rivers to measure benefits of weed and karoro management*.
    - A set of 5-yearly and 10 yearly action milestones (set out in section 4.2 of Kahu Ora) include *Eight islands have been established and are available for nesting birds in the Takapō River.*

12. I note in some of the technical advice and comments a discomfort in a lack of transparency of how the projects in Kahu Ora were arrived at. For example, paragraph 25 Kate McCarthur (Forest and Bird). I consider that a broad objective does need to be complemented by a suite of outcomes that are more tangible. In my view Kahu Ora provides tangible and measurable outcomes and clarity on what will be measured. Reporting against the outcomes with the stated monitoring requirements will provide for robust progress reporting. I found that there is

clarity in the cascade from the objective set in the consent conditions, through the visions, outcomes and monitoring.

13. I consider the outcomes set for each zone in Kahu Ora are a more realistic approach than an outcome of a specified percentage increase in bird populations. It will be difficult to be tied to such a specific outcome given the multitude of factors, some of which cannot be controlled, that influence bird populations.

Conditions about ongoing assessment and reporting of outcomes

14. There are two means by which an ongoing enhancement programme can be assured to be meeting the intent of the resource consent. One approach is to specify tight outcomes and deliverables in the conditions, or, the alternative is to set a broader objective and provide opportunities for parties to provide feedback and have influence over priorities and projects on an ongoing basis. The draft conditions take the second of these approaches, and therefore it is important that the panel is confident that opportunities for feedback and influence exist.

15. I note that the draft conditions from the applicant require drafts of the Strategic Plan, and copies of the effectiveness review (condition 35), and the annual reports to be provided to Environment Canterbury. The approach appears to me more a compliance check than a genuine opportunity to engage with Environment Canterbury expertise. I note both the Project River Recovery Interim Strategic Plan and the advice from Kennedy Lange (Environment Canterbury) stress the importance of ongoing liaison at the operational level across the many agencies who work in biodiversity in the Waitaki catchment. Environment Canterbury in its suggested changes to the conditions is seeking a genuine opportunity to engage, learn and provide its technical and operational expertise.

16. I also note that Kahu Ora states it will "*take note of other parties that are delivering conservation, enhancement and management within the catchment to consider alignment across complementary work programmes. Kahu Ora project work will occur in addition to, not in replacement of, that work*"

17. My preference, rather than vary a suite of compliance deadlines, would be to add a requirement that input and feedback from other parties who are delivering biodiversity in the catchment is sought prior to finalising annual work programmes and prior to any review or update of the Strategic Plan. This would provide opportunities for dialogue, feedback and influence that are necessary when only a broad objective is included in consent conditions, and it would ensure efficiencies and alignment of work across all agencies. For clarity, I am not suggesting that this replace the need to provide documents to Environment Canterbury for compliance purposes. I assume that this compliance reporting also ensures the reports are publicly available. If the approach of requesting/receiving early feedback is not acceptable, then I recommend the changes to reporting timeframes as suggested by Environment Canterbury and the added requirement for the feedback to be incorporated, wherever practicable.

In Summary

18. The panel can be reasonably confident that the IBEP will deliver ecological and biodiversity outcomes in the Waitaki catchment. It is an ambitious programme with substantial funding (once the amount across the whole Waitaki catchment is considered) and clear outcomes.

19. The Panel could have greater confidence if revised consent conditions were offered by the applicants along the lines of:

Add to draft condition 29 d) and e) (and similar changes to draft condition 31):

- Identify the key implementation outcomes and implementation milestones to be achieved over the Strategic Plan Period in accordance with the priorities.
- Identify the monitoring that will be used to demonstrate the achievement of milestones and progress towards outcomes.

Add to draft condition 30, a new bullet:

- Seek feedback on the programme and its priorities from other parties who are also working to enhance biodiversity in the Waitaki catchment.

Add to draft condition 33, a new bullet:

- Respond to, where appropriate, any feedback on the programme that has been received from other parties working on biodiversity in the Waitaki catchment.

20. I do not see that these changes would alter the draft Kahu Ora. Rather it would cement in the concept of outcomes which is already included. It would further strengthen the programme by using other available biodiversity expertise without changing the governance arrangements.

Christina Robb

Director, Happen Consulting