


Date	12 June 2026
To	Trinity White, Environmental Manager – South Island Renewables, Genesis Energy
From	Philip Mitchell – Partner with Mitchell Daysh Limited
Project advice provided for	Fast-track Application for Lake Pūkaki Hydro Storage and Dam Resilience Works
Documents referred to	My suggested changes to the draft conditions are attached (Attachment 1).
Qualifications and experience and code of conduct	As set out in my statement of evidence of 8 April 2026.
Signature	

ATTACHMENT 1

CRC262540 – Section 14 Consent to take and use water for hydroelectricity generation (Operation of Lake Pūkaki below 518 m)

CONSENT SCOPE

Note: This consent authorises the taking and using of water in Lake Pūkaki from between 518.0 m RL and 513 m RL for hydroelectricity generation purposes.

This consent is in addition to consents CRC905321.7 and CRC185833 held by the consent holder, which respectively also allow the consent holder to 'operate' Lake Pūkaki between 518.0 m RL and 532.5 m RL and, during a security of supply alert, down to 518.0 m RL and 515.03 m RL. It is also in addition to the consent holder's ability to 'operate' Lake Pūkaki below 518.0 down to 513.0 m RL as a permitted activity under Rule 3, Table 4(ii)(b) and Rule 17 of the Waitaki Catchment Water Allocation Regional Plan.

GENERAL CONDITIONS

1. This consent will expire on 1 September 2028 unless surrendered or cancelled at an earlier date.
2. At any time the consent holder is exercising this consent it shall also comply with all conditions of CRC905321.7 and CRC185833, with the exception of conditions relating to minimum lake level.
Lowering Lake Pūkaki below 518.0 m RL to a minimum of 513.0 m RL under this consent is authorised:
 - a. only during the months of June, July, August 2026, 2027 or 2028; or
 - b. when it is necessary to undertake the repair, remediation or maintenance works associated with the Tekapo Temporary Tailrace as prescribed in conditions 14 to 27.
3. The consent holder must advise Canterbury Regional Council (Attention: Manager Compliance), Te Rūnanga o Moeraki, Te Rūnanga o Arowhenua, and Te Rūnanga o Waihao and Genesis Energy Limited (Genesis) at least 15 working days in advance of any individual planned lowering event or when lake levels reach 519.0 m RL, whichever is earlier (i.e. before Lake Pūkaki is reduced below the Minimum Lake Level of 518.0 m RL provided for in CRC905321.7 and any replacement consent).
4. Whenever the level of Lake Pūkaki is below 518 m RL pursuant to the exercise of this consent, the consent holder must advise Canterbury Regional Council (Attention: Manager Compliance), Te Rūnanga o Moeraki, Te Rūnanga o Arowhenua, and Te Rūnanga o Waihao, and Genesis weekly of:
 - a. the strategies adopted to restore Lake Pūkaki to the Normal Consented Minimum Lake Level of 518 m RL; and
 - b. the lake level at the end of each reporting week;
 - c. the estimated timeframe for returning Lake Pūkaki to the Normal Consented Minimum Lake Level; and
 - d. the measures adopted to mitigate adverse effects of operating the lake below the Normal Consented Minimum Lake Level, including effects on cultural values and mahinga kai.
5. The lake level measurement and reporting under this consent shall be the same as is required under the main operating consent [can we have a reference please?].
6. Every time the consent holder exercises this consent to operate Lake Pūkaki below 518 m RL, the consent holder must, no later than eight weeks following the completion of each lowering event, provide Canterbury Regional Council (Attention: Manager Compliance), Te Rūnanga o Moeraki, Te Rūnanga o Arowhenua, and Te Rūnanga o Waihao and Genesis with the following information:
 - a. the date and time at which the lake was lowered below 518 m RL;
 - b. the levels at which the Lake Pūkaki was managed over the duration of the lowering event;

Commented [M Daysh1]: As explained in Genesis' written response to the draft conditions. In my opinion this should be an actual condition and not drafted as some form of advice note. Further, rule 3 is a critical rule that works in conjunction with rule 17.

Given my proposed change to Condition 2 below, I consider that this 'consent scope' section can be deleted in its entirety. However, I have not deleted it in this version, so that the Panel can see the changes required to make it accurate should the Panel not accept my proposed Condition 2 redrafting.

Commented [M Daysh2]: As explained in Genesis' written response to the draft conditions.

- c. the duration of the lowering event;
- ~~e-d.~~ the minimum Tail Water Level (TWL) of 518.0 m RL and any actions taken to ensure that this level was maintained;
- d.e. a written description of the circumstances leading to and applying during the lowering event; and
- e-f. a written description of the measures adopted to mitigate adverse effects of operating the lake below the Normal Consented Minimum Lake Level, including effects on cultural values and mahinga kai.

7. If the information provided in condition 5 indicates that the timing, duration, frequency and extent of any lowering operation is different to what was predicted in application FTAA-2510-1120, then the consent holder shall provide a detailed explanation of the differences and the circumstances of their occurrence to the Canterbury Regional Council (Attention: Manager Compliance) within 3 months of the lowering event.

KAKI MONITORING

8. The consent holder shall notify the Department of Conservation when the lake water level is forecast to drop below 518 m RL and request them to undertake Kaki monitoring in accordance with the agreement between the Department of Conservation and the consent holder dated 30th August 2012. The results of any monitoring shall be provided to the Canterbury Regional Council.

ECOLOGICAL MANAGEMENT

9. The Consent Holder must engage a Suitably Qualified and Experienced Person to prepare an overarching Wetland Ecological Management Plan (**WEMP**) in accordance with Condition 10.
10. The objectives of the WEMP are to:
- a. Detail the ecological management programme that will be implemented to avoid, remedy, or mitigate the impacts on wetland ecological values when the lake water level is forecast to drop below 518 m RL;
 - b. Document the management measures that will be adopted by the Consent Holder, including the restoration, management and maintenance of wetland ecological features and values; and
 - c. Ensure that any long-term effects are appropriately managed through monitoring, adaptive management where appropriate, and implementation of appropriate responses.
11. The WEMP must outline procedures to address the effects of lowering the lake below 518 m RL on wetland ecological values, including measures to:
- a. avoid where practicable, or otherwise minimise, adverse effects on ecological and biodiversity values; and
 - b. achieve the purposes and their expected ecological outcomes.
12. The WEMP must be prepared in consultation with the Department of Conservation, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki.

GABION ROCK WALL INSPECTIONS

13. The consent holder shall inspect the nature of rip-rap adjacent to the gabion rock wall located at SH80 Mount Cook Road (SH 80 RS 17 RP 12.64 – 12.7). Inspections shall be undertaken weekly at any time Lake Pūkaki falls below 518m RL. Where any erosion of the rip-rap is observed, the consent holder shall be responsible for rectifying the situation. The consent holder shall provide a record of inspections, findings and how any erosion was rectified within 8 weeks of Lake Pūkaki returning to 518m RL.

TEKAPO B POWER STATION AND TEMPORARY TAILRACE STRUCTURE

14. Unless the consent holder provides the Canterbury Regional Council with the written agreement of Genesis that Conditions 15 to 27 do not need to be complied with, Unless the consent holder satisfies the Canterbury Regional Council that Genesis Energy Limited does not require the consent holder to

Commented [M Daysh3]: These conditions largely align with what I proposed in Attachment 1 to my evidence supporting Genesis' s 53 comments.

~~satisfy conditions 15 to 27~~, then the consent holder must comply with Conditions 15 to 27 ~~must be complied with~~ prior to the first exercise of this consent.

Advice note: The Tekapo B power station and temporary tailrace structure is situated on land owned by Genesis Energy Limited ('Genesis') and not the consent holder. However, GEL-Genesis has undertaken to the Expert Consenting Panel considering FTAA-2510-1120 that it will allow the consent holder access to its land for the purposes of implementing conditions 15 to 27 subject to the matters set out in paragraph 5 of its response to request for information dated 15 May 2026 which can be found here: Genesis-Energy-Limited-response-to-request-for-information-1.C-Tekapo-Tailrace-Issues72099830.1.pdf. The Expert Consenting Panel has relied on this undertaking in imposing conditions 15 to 27. But the Expert Consenting Panel is also aware that the consent holder and GEL-Genesis may, after the issue of this consent, conclude a 'side' agreement that provides alternative methods to manage potential risks from the exercise of this consent on the Tekapo B power station and temporary tailrace structure. In that event, conditions 15 to 27 may become unnecessary. The purpose of this condition is to excuse compliance with those conditions if GEL-Genesis and the consent holder reach an alternative option that manages the potential risks after the issue of this consent.

15. Within 20 working days of commencement of this consent, the consent holder must, after consultation with Genesis, identify and provide to Genesis a list of at least three independent persons experienced in the design and construction of hydraulic structures ("Suitably Qualified and Experienced Practitioners" or "SQEP") that the consent holder considers are appropriate to undertake the requirements contained in Conditions 19 to 25 of this consent.
16. Provided that Genesis confirms a preferred SQEP from the list within 5 working days, the consent holder must appoint the SQEP selected by Genesis.
17. If Genesis does not select a SQEP within 5 working days, the consent holder must appoint a SQEP from the list and, within a further 5 working days, inform Genesis who the appointed SQEP is.
18. The consent holder may, as necessary in the circumstances, replace the appointed SQEP with another SQEP, provided that the process set out in Conditions 15, 16 and 17 is repeated.
19. Prior to the first lowering of Lake Pūkaki below 518.0 m RL in accordance with ~~this consent condition 2~~, and following consultation with Genesis, the consent holder must have engaged the SQEP to prepare a Repair Strategy and Associated Works Programme for the Tekapo Temporary Tailrace, the purpose of which is to set out the procedures to be followed and physical works implemented to ensure that any lake level lowering authorised by this consent will not adversely affect the Tekapo Temporary Tailrace or the operation of the Tekapo B Power Station.
20. The Repair Strategy and Associated Works Programme must be prepared following consultation with Genesis, and, as a minimum:
 - a. incorporate all recommendations contained within the WSP memorandum 'Tekapo B Power Station Submerged Weir – Damwatch Document Reviews' dated 26 March 2026 and the WSP report 'Tekapo Submerged Weir Structural Condition Assessment' dated 25 March 2026, including but not limited to:
 - i. reinstatement of displaced rip-rap;
 - ii. repair of concrete defects;
 - iii. treatment of exposed reinforcement;
 - iv. installation of new steel dowels to provide a positive and reliable connection between the concrete cap and base;
 - v. investigation of unusual sill beam survey results and potential cracking; and
 - vi. removal of silt and vegetation or detailed inspection and concrete testing;
 - b. incorporate any additional requirements identified by the SQEP in order to satisfy Condition 19;
 - c. provide timeframes for the works required by (i) and (ii) above to be completed;

Commented [M Daysh4]: As explained in Genesis' written response to the draft conditions. In my opinion greater clarity than 'satisfy' is required.

Commented [M Daysh5]: As explained in Genesis' written response to the draft conditions.

- d. identify the approvals and resource consents (if any) required to be obtained by the consent holder in order to implement the Repair Strategy and Associated Works Programme;
 - e. set out the post construction monitoring and management measures required to ensure that the lowering the lake level below 518.0 m RL does not adversely affect the Tekapo Temporary Tailrace or the operation of the Tekapo B Power Station;
 - f. be certified by the SQEP as satisfying the requirements of this Condition 20; and
 - g. be provided to Genesis and the Canterbury Regional Council (Attention: Manager Compliance) immediately on completion.
21. The Repair Strategy and Associated Works Programme may be amended from time to time, provided that:
- a. Genesis has been consulted regarding the details of any amendment; and
 - b. any amendment has been certified by the SQEP, and a copy provided to Genesis and the Canterbury Regional Council (Attention: Manager Compliance), prior to any amendment being implemented.
22. The Consent Holder must ensure that:
- a. the works identified in the Repair Strategy and Associated Works Programme are completed in accordance with the Repair Strategy and Associated Works Programme and certified by the SQEP as soon as is practicable and, unless recommended otherwise by the SQEP, no later than 12 months following the commencement of this consent and before any lowering of Lake Pūkaki below 518.0 m RL under this consent; and
 - b. Genesis and Canterbury Regional Council (Attention: Manager Compliance) have been provided written confirmation that the requirements of Condition 22(a) above have been satisfied.
23. Whenever the level of Lake Pūkaki is below 518.0 m RL in accordance with ~~this consent~~[condition 2](#), the consent holder must ensure that ~~a minimum Tail Water Level ("the TWL") of 518.0 m RL~~ is maintained between the Tekapo B Power Station and the Tekapo Temporary Tailrace at all times, as measured at the Tekapo B Power Station or an alternative suitable location certified by the SQEP and confirmed in writing to Genesis and Canterbury Regional Council (Attention: Manager Compliance).
24. Monitoring results collected in accordance with Condition 20(e) must be provided to the SQEP, who must be instructed by the consent holder to assess if ongoing operation of the Tekapo Temporary Tailrace will ensure Condition 19 of this consent is able to be satisfied. A copy of that assessment must be provided to Genesis and Canterbury Regional Council (Attention: Manager Compliance) immediately on completion.
25. Should the SQEP advise that ongoing operation of the Tekapo Temporary Tailrace will not satisfy the requirements of Condition 19, the SQEP must be instructed by the consent holder to determine what intervention is necessary, including timeframes for such intervention to ensure that Condition 15 of this consent will be satisfied. A copy of that assessment must be provided to Genesis and Canterbury Regional Council (Attention: Manager Compliance) immediately on completion.
- For the purposes of this condition, intervention includes, but is not limited to, modifications or repairs to the Tekapo Temporary Tailrace and environs, and/or additional monitoring, and/or changes in operation of the Waitaki Power Scheme, and/or promptly restoring the level of Lake Pūkaki to 518.0 m RL.
26. The consent holder must promptly implement the intervention measures identified by the SQEP in accordance with Condition 25, and Genesis and the Canterbury Regional Council (Attention: Manager Compliance) must be advised, in writing, immediately on completion.
27. Genesis must be notified immediately, and no later than 24 hours afterwards, of any monitoring or assessment indicating that the required TWL in Condition 23 is not, or may not be, maintained.

DUST

28. The consent holder shall prepare and implement a communication plan to advise landowners adjoining Lake Pūkaki of potential increases in dust when the lake is expected to drop below 518 m RL. The communication plan shall include details of which landowners will be contacted and the required mechanism for contacting them.
29. A record of all complaints relating to dust discharged from the margins or exposed bed of Lake Pūkaki must be maintained and shall include:
 - a. The location where the dust was detected by the complainant;
 - b. The date and time when the dust was detected;
 - c. A description of the wind speed and wind direction when the dust was detected by the complainant;
 - d. The most likely cause of the dust detected; and
 - e. Any corrective actions undertaken by the Consent Holder to avoid, remedy, or mitigate the effects of the dust detected by the complainant.

The complaints record shall be provided to the Canterbury Regional Council (Attention: Compliance Manager) on request.

REVIEW

30. The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
 - a. Dealing with an adverse effect on the environment occurring as a result of the exercise of this resource consent; or
 - b. Requiring best practicable options to be adopted by the consent holder to remove or reduce any adverse effect on the environment as a result of the exercise of this resource consent; or
 - c. Requiring the consent holder to carry out monitoring and reporting instead of, or in addition to, that required by the resource consent; or
 - d. Requiring the consent holder to comply with a relevant rule in an operative regional plan.