

4 June 2024

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Kia ora Bianca

Your reference APP-20233670: Meridian Energy Limited (Meridian) – Manapouri Lake Control Structure Improvement Project (MLC:IP) - s 92 Response

This letter provides a response to the matters raised in your further information request dated 13 May 2024.

Effects on Bluecliffs

1. You have asked whether Meridian considers the effects of ‘the altered flow’ in the Lower Waiau River on coastal geomorphology at the Waiau River mouth, including effects of coastal erosion on the Bluecliffs community, are within the scope of the applications for consent to authorise the MLC:IP.
2. Meridian does not consider that the matters raised within the Bluecliffs submissions on coastal processes are relevant to the effects of the MLC:IP application. The MLC:IP will not alter the consented environment, under which Meridian is authorised to discharge various flows through the MLC structure. Although the MLC:IP works are expected to improve the reliability and conveyance of flows across the MLC, Meridian will be managing lake levels and releasing these flows under its existing consents, and under the existing voluntary flushing flow protocol. Any effects from already consented discharges into the Lower Waiau River are not effects arising from this Project, and in our view are not relevant to the assessment of the effects of the MLC:IP under s 104 of the RMA.
3. Although these effects are not relevant to the assessment of the effects of the MLCIP, Meridian nonetheless provides a memorandum prepared by Dr Martin Single as **Appendix A** to this letter. Dr Single concludes that:

I do not consider that flows in the Lower Waiau River within the existing consented flow regime can cause any measurable effects on the river mouth behaviour or coastal erosion on the Bluecliffs community which are distinguishable from natural processes. It is my understanding that the MLCIP project purpose amongst other things is to provide a more reliable flushing flow regime to the Lower Waiau River to manage nuisance periphyton, and that the size and timing of such flows are well attenuated by the time they reach the coast. In my opinion this will not contribute to erosion at the coast.

4. Subject to his availability, Dr Single has indicated that he would be happy to attend the pre-hearing meeting which is being arranged for this matter, so that he can discuss the above with the submitters from Bluecliffs.

Effects on native fish

5. You have asked for further information to support our assessment of effects on At Risk and Threatened native fish. We attach a memorandum prepared by Dr Mike Hickford (NIWA) in response to this question as **Appendix B** and note that he has recommended two further measures which will both confirm whether any smaller fish species might be present around the breakout area in the Waiau Arm, and will require fish relocation through specific integration into the Freshwater Fauna Management Plan if there are. With these measures in place, Dr Hickford concludes that the risk to Threatened native fish species around the MLCIP area is **low**, and the direct effects on these species will be **minor**. Meridian is comfortable with these recommended measures being brought through into conditions of consent.

6. Dr Hickford also concludes that there are sufficient data in relation to fish communities in the Lower Waiau River to assess the effects of the MLCIP. Subject to adherence to suspended sediment and DFS thresholds that are designed to limit indirect effects to within the natural range fish communities in the LWR are already adapted to, and instream excavation occurring outside of key spawning and migration periods, he considers the risk to Threatened native fish species in the LWR is **low**, and the indirect effects on these species will be **minor**.

Effects on native birds

7. We attach a memorandum from Dr Leigh Bull (BlueGreen Ecology Limited) in response to the further information requests relating to effects on native birds as **Appendix C**.
8. The first three parts of this request are set out in the table below, along with the key conclusions from Dr Bull’s memorandum. The source documents requested in part four of this request will follow shortly by separate email.

Question	Summary of conclusion by Dr Bull	Additional comment from Meridian
Please provide an evaluation of the indigenous avifauna occupying the sediment deposition sites for nesting, feeding or roosting and the effects of the project on these species.	<p><i>Terrestrial bird species</i> Given the abundant availability of habitat for these [terrestrial bird] species in the wider area, the magnitude of the effect of the project on these species will be Negligible, resulting in a Very Low effect overall.</p> <p><i>Freshwater bird species</i> When combining this [negligible] magnitude of effect with High (banded dotterel and SIPO) or Low (pied stilt, southern black-backed gull, spur-winged plover) ecological value, the overall level of effect of the project on species potentially utilising spoil disposal site will be Low to Very Low.</p>	We note for completeness that the deposition of fill on the proposed spoil site is an activity which is authorised under the Manapouri - Te Anau Development Act 1963 (MTADA), and is not subject to this resource consent process except to the extent that effects are described by the applicant.
Please provide an evaluation of the use of the wider area affected by the project by bird species for roosting and the effects of the project on this activity.	Overall, the magnitude of effect of the project on roosting birds will likely be Negligible given the location of such areas in relation to the project footprint. When combining this magnitude of effect with High (banded dotterel, SIPO) to Low ecological value, the level of effect of the project on roosting species will be Low to Very Low .	
Can you provide further explanation for why the effects on bird species of conservation concern (Data Deficient, At Risk or Threatened species) is considered minor and a description of what “minor” means in the context of the evaluation.	Dr Bull has considered the potential effects identified both within the ecological assessment (Hoyle et al., 2023), and in the above s92 questions, using the EIANZ method and considers the magnitude of these to be Negligible in the context of the species at the scale of the Ecological District. When combined with Very High (e.g. black-fronted tern) to Low (e.g. pied stilt) ecological values, the overall level of effect will be Low to Very Low .	

Please confirm receipt of this letter, and the information provided.

Ngā Mihi | Kind regards,

Ellie Taffs

Senior Legal Counsel - RMA

Meridian Energy Limited



Enclosed:

- Appendix A: Memorandum by Dr Martin Single, Shore Processes and Management Ltd dated May 2024
- Appendix B: Memorandum by Dr Mike Hickford, NIWA, dated 4 June 2024
- Appendix C: Memorandum by Dr Leigh Bull, BlueGreen Ecology Limited, dated 31 May 2024

Appendix A: Memorandum by Dr Martin Single, Shore Processes and Management Ltd dated May 2024

