

Hearing of application by Meridian Energy Limited – APP-20233670

Response of Bianca Sullivan, contracted Consents Planner.

Introduction

1. This is my response to issues raised during the hearing of APP-20233670 by Meridian Energy. For matters I do not discuss below the comments in my s.42A report remain unchanged.

Rule 5 or Rule 6 of the pSWLP

2. The discharge of sediment has been assessed as not meeting the water quality standards in Appendix E of the pSWLP. There has been discussion as to whether the exception in the preamble to the Appendix E water quality standards applies to the proposed discharge. If it does, the discharge is a discretionary activity under rule 5; if not it becomes a non-complying activity under rule 6.
3. The exception applies where *“an ancillary activity associated with the maintenance of the Manapōuri hydro-electric generation scheme is proposed. This exception only applies where the activity requires a resource consent pursuant to a rule in this plan and will only result in a temporary change in the state of the water.”*
4. The Cambridge Dictionary defines ‘maintenance’ as *“the process of keeping or continuing something”*. My s.42A report considers that the proposal will result in a permanent change to the alignment of the Waiau Arm and cannot be considered as ‘maintenance’. I can see Meridian’s view that the construction of the parallel channel could be considered as maintenance of overall Manapōuri Power Scheme, however my view from the s.42A report has not changed.
5. Either way, I agree with Mr Murray that the applications should be bundled as a non-complying activity.

Maintenance consent application (APP-20211347)

6. I have reviewed the application details and draft proposed conditions for APP-20211347, which seeks to replace existing maintenance consent AUTH-204160. The application (and existing consent) are broader than the maintenance activities proposed for the Manapōuri Lake Control Improvement Project (MLCIP) and include works in the Waiau Arm of Lake Manapōuri, the Waiau River, and the Mararoa River, as well as maintenance works on the MLC physical structure.
7. The replacement application could not be amended to incorporate the maintenance measures being considered for the MLCIP, as this would likely compromise the s.124 status of the expired consent. In my view, it is appropriate that they continue along their separate processes, albeit with a view to ensuring consistent conditions. This does not preclude the maintenance activities under each consent being managed through one resource consent in the future.
8. I have reviewed the draft conditions that have been prepared for APP-20211347. Aside from the proposed conditions that deal with ‘urgent works’, I consider that the proposed conditions are consistent with those proposed here. They include measures

to manage the impacts of works in or near waterways; recording and reporting requirements; accidental discharge response requirements; and an accidental discovery protocol condition.

Duration

9. Paragraph 4.2.2 of my s42A report refers to policy 40 of the pSWLP, which considers the matters to be considered when determining consent duration. The parallel channel is intended as a permanent alignment that will enable better delivery of the required flow regime. While the experts are largely in agreement as to the effects of the parallel channel, there is still some uncertainty around its effectiveness and effects.
10. I note the position of Te Rūnanga o Ōraka Aparima that consent should be granted for 20 years and not beyond 25 years. I maintain my recommendation that consent should be granted for 25 years.

Consent conditions

11. There has been discussion that construction is the short-term component of the consent and maintenance is longer term component. The consent authorises the diversion of water into the parallel channel for the duration of consent and any effects associated with this also need to be considered. Dr Burrell has discussed this in relation to the potential effects on phytoplankton blooms and the resulting chlorophyll a monitoring condition.
12. I have discussed with Dr Thorsen some potential amendments to the Buchanan's sedge condition (condition 6 of the general conditions). These amendments include clarifying that the objective of the condition should be to achieve "*no net loss of the number of Buchanan's sedge plants*", and achieving this with a time period of 3 years.
13. Dr Thorsen has also recommended an amendment to the wetland remediation condition (general condition 14) to explicitly state that the objective is to achieve "*no net loss in extent of indigenous *Juncus rushland* marsh within the Project site*".
14. I support the amendments suggested by TAMI provided with their statement to the hearing.
15. It has been suggested that the review condition (condition 26 of the general conditions) be amended to provide for review if/when replacement consents are granted for the MPS. I can see the rationale for this however am unsure what such a review could achieve. If granted, the conditions for the current application should address the effects. I consider it more likely that Meridian would apply to change conditions to align any monitoring or report requirements, than for there to be a need for a consent review.
16. The review condition is currently inconsistent with the review condition proposed for the other maintenance consent application. In my view, it makes sense to align the opportunities and timing of any potential review for these consents.