

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application by Meridian Energy Limited for the resource consents related to the construction of a new channel to enable a permanent diversion of part of the flow of the Waiau Arm and the associated removal of bed material and gravels, together with any maintenance and ancillary activities.

SUMMARY STATEMENT OF EVIDENCE OF ANDREW BAZEL CONRAD FEIERABEND

INTRODUCTION

1. My full name is Andrew Bazel Conrad Feierabend.
2. My qualifications and experience are set out in paragraphs 1–5 of my Evidence in Chief dated 3 September 2024.

SUMMARY OF EVIDENCE

3. In my evidence I provide an overview of Meridian as a company and its asset base. I then proceed to provide a description of the Manapōuri Power Scheme (**MPS**) including its setting, constituent parts and how it operates. I identify that the MPS generates approximately 12% of New Zealand's total electricity output.
4. I describe how the MPS is authorised to operate under the Manapouri – Te Anau Development Act 1963 (**MTADA**) and the Resource Management Act 1991 (**RMA**).
5. I discuss in some detail the Lake Operating Guidelines and the basis for them under MTADA, how they work, and the oversight and advisory role of the Guardians of Lakes Manapōuri, Monowai, and Te Anau.
6. I discuss how MTADA overrides certain sections of the RMA where the works are “necessary or requisite” to the operation of the MPS and how this is reflected in Meridian's main operating consents issued in 1996 and in 2010. This section of my evidence also identifies the key requirements of the RMA consents in relation to minimum flows, recreational flows and flushing flows for nuisance periphyton management in the Lower Waiau River.
7. In the next section of my evidence, I describe how the introduction of Didymo into the Waiau Catchment has significantly impacted aquatic ecosystem health in the Lower Waiau River. I have described Meridian's response to that through the development of a nuisance periphyton protocol in 2012 and the lack of performance that has followed in delivering the number of flows anticipated under the protocol.
8. I then go on to describe the work that has been undertaken since 2020 to understand the reasons why flushing flows have not been able to be provided and to determine the best solution. My evidence describes the options that were considered as part of the process, leading to the identification of the preferred option that is the subject of this application. I describe why the parallel channel is the

preferred option. I also describe the likely maintenance requirements associated with the proposed works.

9. My evidence then provides a snapshot of consultation and responses to issues raised by submitters, many of which are now resolved. The issue of term is a matter which still requires resolution. Meridian's position on this is firm: the term should be the maximum provided for under the legislation. Meridian is making a significant capital investment in carrying out work that is solely for the benefit of the environment. Furthermore, the consented work is permanent in nature and any adverse construction effects are temporary in nature. From an efficiency and effectiveness perspective there seems no reason why a 35-year term should not be granted.
10. The last section of my evidence deals with how Rule 5 and Rule 6 of the Proposed Southland Water and Land Plan should be interpreted with respect to discharges and the exception provided for under Appendix E for ancillary activities associated with maintenance of the MPS. I explain that the exception referred to in this section of the Plan was purposefully crafted with the Manapōuri Lake Control Flow Improvement Project (**MLC:IP**) in mind and this should be recognised by assessing the activity under Rule 5.

ADDITIONAL ISSUES ARISING FROM SUBMITTER EVIDENCE

11. Some submitters have lodged formal statements of evidence in response to this application and there are some matters I wish to address formally from a company perspective.
12. The Waiiau Working Party through its primary statement of evidence¹ seeks a fully revised Waiiau Arm Water Quality Programme to be requirement of this consent. Meridian is in the process and well advanced in completing a wider review of this programme which forms part of its primary consents. It is Meridian's position that such a condition would be inappropriate in this consent. The application has assessed phytoplankton bloom risk in and around the new channel as relatively low and is promoting a condition to address the residual risk through a robust post-construction monitoring programme for a period of five years.

¹ Page 5 paragraph 21

13. On page 19 of the Waiau Working Party evidence it identifies that cracked willow will be a potential issue to wetland health into the future if not removed. Meridian as a good land steward is committed to removing cracked willow from the site because of its pest status. This matter is an issue that sits outside the effects of this consent and is proposed to be managed accordingly.
14. On page 2 of Dr Sue Bennett's statement of evidence for the Waiau Working Party several statements are made with respect to spill and the relationship to potential reporting required by the Electricity Authority. I am not completely clear about the point being made but note that the consent being proposed is primarily related to providing better flow reliability for consented flows. From that perspective there can be no issue.
15. Meridian has reviewed the evidence lodged on behalf of Te Rūnanga o Ōraka Aparima. Meridian and Te Rūnanga o Ōraka Aparima are continuing to engage on the MLC:IP and the management of environmental effects from a cultural perspective.
16. Meridian acknowledges the cultural context and values identified within the Cultural Impact Statement attached to this evidence noting that the wider effects of the MPS will need to be addressed via Plan Change Tuatahi and ultimately re consenting of the MPS ahead of the expiry of the main operating consents in 2031. Since the lodgement of this evidence, Te Rūnanga o Ōraka Aparima have acknowledged the MLC:IP does have value from the perspective of improved flushing flow performance with the objective of assisting improvement in ecosystem health and functioning of the Lower Waiau River.
17. Te Rūnanga o Ōraka Aparima and Meridian agree they are going to continue to work outside the MLC:IP consenting process to ensure appropriate cultural oversight of construction work is undertaken and cultural issues arising from the same are appropriately managed.
18. Te Rūnanga o Ōraka Aparima and Meridian have also agreed to continue to work in good faith to consider options to enhance the cultural value associated with the development site.

Andrew Feierabend

16 September 2024