

Your Comment on the Kaimai Hydro-Electric Power Scheme project

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email to substantive@fasttrack.govt.nz.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Bay of Plenty Regional Council		
First name	Yvette		
Last name	Shirley		
Postal address	PO Box 364, Whakatāne 3158		
Home phone / Mobile phone	██████████	Work phone	██████████
Email (a valid email address enables us to communicate efficiently with you)	████████████████████ ██████ ████████████████████		

2. We will email you draft conditions of consent for your comment			
<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct

Please provide your comments below, include additional pages as needed.

Thank you for your comments

Introduction

The Bay of Plenty Regional Council (BOPRC) appreciates the opportunity to comment on Manawa Energy Limited's (the 'applicant') Fast-track application to re-consent the Kaimai Hydro-Electric Power Scheme (HEPS).

BOPRC recognises the significance of the Kaimai HEPS in terms of its contribution:

- a. to the supply of renewable electricity generation in New Zealand; and
- b. towards achieving the outcomes sought by the National Policy Statement for Renewable Electricity Generation and the Government's aspiration to achieve 100% renewable energy by 2030.

Manawa Energy has undertaken extensive pre-lodgement engagement with BOPRC staff on the application, including through previous applications lodged for the same activity under the Resource Management Act 1991 (which have now been withdrawn to enable use of the Fast-track process).

BOPRC understands that Manawa Energy has been engaging with mana whenua, iwi and hapū since 2020 and that engagement is ongoing. We understand that Manawa Energy intends to continue this relationship with mana whenua and BOPRC supports the inclusion of consent conditions that reflect the role of mana whenua and recognise kaitiakitanga.

Reconsenting the Kaimai HEPS is a Controlled Activity under Rule WQ R20 of the Bay of Plenty Regional Natural Resources Plan (RNRP) and therefore the scheme's continued operation is an anticipated outcome of the planning framework. On that basis, it can be reasonably expected by the community to continue into the future.

Technical Considerations

BOPRC considers that the application, including all supporting technical assessments, is complete and addresses all relevant effects.

BOPRC acknowledges that the substantive application lodged under the Fast Track process includes only minor amendments from the application previously lodged with BOPRC in June 2023 (referenced as RM23-0268, now withdrawn). As the two applications do not substantially differ, the technical reviews undertaken for the June 2023 application remain applicable.

Accordingly, BOPRC has relied on those original reviews, with Keith Hamill undertaking an additional targeted review of the Fast Track substantive application in the technical areas considered most relevant to this proposal.

As such, the proposal has been reviewed in the following technical categories, which BOPRC considers to be the most relevant to this application:

Category	Reviewer	Company/Organisation
Aquatic Ecology and Water Quality	Keith Hamill <i>Director, Principal Environmental Scientist</i>	River Lake Ltd
Hydrology and Sedimentation	Anthony Kirk <i>Technical Director - Environment</i> Zoë Pattinson <i>Technical Lead - Hydrogeology</i>	GHD
Natural Character, Landscape and Visual Amenity	Simon Button <i>Associate Landscape Architect</i>	Isthmus
Recreation	Geoff Canham <i>Director, Principal Parks and Recreation Specialist</i> Sam Strong <i>Senior Recreation and Open Spaces Planner</i>	Thrive Spaces & Places
Terrestrial Ecology	William Shaw <i>Director, Lead Principal Ecologist</i>	Wildlands
Environmental Compliance and Monitoring	Monique Ullyett <i>Compliance Officer</i> Hayden Graham <i>Compliance Officer</i>	BOPRC
Resource Consent Planning	Yvette Shirley <i>Senior Consents Planner</i>	BOPRC

These reviews can be made available to the Panel upon request.

Summary of Comments

Having reviewed the application in detail and visited the site, BOPRC generally agrees with the assessment provided with the application. Some minor concerns have been identified; however, we do not consider these to be insurmountable and consider that they are appropriate to be addressed through conditions of consent.

The following provides a summary of BOPRC comments on matters where full agreement with the applicant’s assessment has not been achieved. This outlines the concerns and recommendations raised by some of the technical reviewers, how the applicant has responded to those concerns, and matters that we consider can be addressed through conditions of consent.

Overall, BOPRC considers the proposal acceptable in principle subject to conditions of consent that secure outcomes for fish passage, residual flows, and sedimentation.

Environmental Effect	Comment
<p>1. Fish Passage</p>	<p>Residual Flows:</p> <p>1.1. BOPRC acknowledges that the applicant has proposed residual flows at the Omanawa Weir (150 L/s), Mangapapa Weir (100 L/s), and the Wairoa River below McLaren Falls Dam (150 L/s), alongside existing residual flows at Opuiki River (280 L/s), Ngatuhua Stream (60 L/s), and Mangakarengorengo River (40 L/s). These additional residual flows, in the context of operational and policy constraints, are expected to contribute to improved ecological outcomes when supported by robust conditions.</p> <p>1.2. Mr Hamill noted in his review that residual flows would improve in-stream environments across the relevant reaches. BOPRC agrees and notes that the receiving environment has been significantly modified over many decades by the presence and operation of the existing scheme, and the established residual flow regime has formed part of that modified baseline. Maintaining these existing flows, and adding the new proposed residual flows, will enhance ecological conditions rather than exacerbate existing effects.</p> <p>1.3. BOPRC further acknowledges that the National Policy Statement for Renewable Electricity Generation (NPS-REG) seeks to enable the ongoing operation and future viability of renewable electricity infrastructure. In this context, the applicant’s proposed residual flows represent a balanced and appropriate approach that supports environmental improvements while remaining consistent with NPS-REG direction, which limits options that would result in reductions to renewable energy generation.</p>

	<p>1.4. Accordingly, BOPRC supports the proposed additional residual flows and the continued maintenance of the existing residual flow regime, and conditions that secure their implementation.</p> <p>Fish Management Plan:</p> <p>1.5. BOPRC acknowledges that despite the additional proposed residual flows, barriers remain at multiple scheme structures, and downstream passage is generally not provided.</p> <p>1.6. The applicant’s AEE (referenced as A.02 and A.03 of the Fast-track Substantive Application) acknowledges the majority of scheme structures present barriers to safe downstream passage (with the Mangakarengorengo Ford noted as an exception) (section 3.9.4), and explicitly states that the Mangaonui, Matariki and McLaren dams are “complete barriers to upstream fish passage” (section 3.9.3). As noted in 1.1 above, residual flows are proposed at three additional locations to assist passage, but the rest of the scheme remains constrained. Additionally, the AEE indicates low likelihood of safe turbine passage for large eels, with better survival limited to juveniles/larvae.</p> <p>1.7. An initial draft Native Fish Management Plan (FMP) prepared by Dr Greg Ryder was supplied with the FTAA package (B.13 - Appendix N). The applicant has suggested conditions for a Native Fish Management Plan (FMP) to be developed and implemented in conjunction with mana whenua, iwi and hapū to provide for additional fish passage options, including the salvage of tuna entrained in the Ruahihi Canal. BOPRC supports this approach.</p> <p>1.8. Additionally, BOPRC agrees with the proposed condition 13.1 (updated proposed conditions dated 14 January 2026) which make clear that the consent holder’s obligations to prepare, implement and maintain the FMP are not contingent on participation by mana whenua, iwi or hapū. If participation pauses or ceases, the consent holder must still implement the FMP covering barrier identification and prioritisation, fish-passage improvements, and Ruahihi Canal tuna-salvage protocols, to agreed timeframes, while continuing to offer partnership and opportunities for re-engagement.</p> <p>Intake screening:</p> <p>1.9. The applicant’s draft consent conditions (dated 14 January 2026) refer to intake screen apertures across the scheme ranging from 30 millimetres (mm) as a minimum to 150mm as a maximum.</p>
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	<p>1.10. Mr Hamill noted in his review uncertainty about how effective the current measures are at preventing fish from being entrained and noted that refined screen spacing and lower approach velocities would provide greater certainty of protecting migrating species.</p> <p>1.11. BOPRC acknowledges that the applicant has not proposed any changes to the intake aperture sizing or intake velocities. The applicant has confirmed that a discrepancy with the Mangakarengorengo River intake aperture between 90mm (as noted in B.09 Appendix J, Section 4.3.1.5) and 150mm (as noted in the draft consent condition 8.3) is an error, and the aperture will remain at 90 mm.</p> <p>1.12. BOPRC agrees with the approach of conditions to ensure all intake structures retain their existing aperture sizing, and acknowledges that the proposed FMP will provide a framework for managing fish passage and any entrainment risks across the scheme.</p> <p>1.13. BOPRC also acknowledges that maintaining the current intake velocities is consistent with the NPS-REG, which seeks to avoid unreasonable constraints on renewable electricity generation output.</p>
<p>2. Water Quality</p>	<p>2.1. The application AEE reports generally good water quality across the scheme, with typically low suspended fine sediment and nitrogen; dissolved reactive phosphorus is elevated in the Omanawa and Mangapapa reaches consistent with upstream land use; and the Ruahihi Power Station discharge shows no adverse effects on temperature or dissolved oxygen in the downstream Wairoa reach. Appendix J of the application (prepared by Dr Greg Ryder) reports natural summer warming downstream, with the Wairoa below McLaren Falls showing ~30% of daily maxima in the 20–25°C range and no sites >25°C, and notes occasional low dissolved oxygen immediately below the Mangapapa Weir under the current regime.</p> <p>2.2. BOPRC acknowledge that iwi and hapū have raised water quality as an issue of concern in relation to the scheme.</p> <p>2.3. BOPRC acknowledge that water quality outcomes are closely linked to the residual flow regime, and that the applicant’s proposed increases in residual flows are expected to support improved thermal and habitat conditions, which aligns with the National Policy Statement for Freshwater Management 2020 (amended 2025) (NPS-FM) direction.</p>

	<p>2.4. The Aquatic Ecology and Water Quality Assessment (Appendix J, Section 4.2.2.3) recommended upstream and downstream temperature monitoring in the Mangakarengorengo River. The applicant has proposed such monitoring in the draft conditions (dated 14 January 2026), and BOPRC supports this framework as an appropriate means of confirming whether the residual flow required by Condition 8.1 is effective.</p> <p>2.5. However, BOPRC considers that, as drafted, the conditions place responsibility on BOPRC to determine whether changes to residual flows are required. BOPRC considers that this responsibility should sit with the consent holder, who should assess the monitoring results and, where agreed indicators show that temperature objectives are not being met, propose an appropriate response for Council certification.</p> <p>2.6. Overall, BOPRC supports the applicant’s proposed approach to water quality management through consent conditions, subject to minor amendments so that responsibility for evaluating monitoring outcomes and initiating any necessary response rests with the consent holder.</p>
<p>3. Sedimentation</p>	<p>3.1. BOPRC considers the draft Sediment Monitoring Plan prepared by Tonkin and Taylor (dated January 2026) to be appropriate and robust in terms of monitoring. The proposed five-yearly surveys, geomorphic change detection, and hotspot assessments provide a sound basis for understanding long term sediment continuity and channel response. Therefore, BOPRC agrees with the applicant’s proposed condition to provide a finalised version of this plan.</p> <p>3.2. However, BOPRC notes the plan remains monitoring-focused and does not specify the next step should monitoring indicate adverse geomorphic trends attributable to the scheme. As currently drafted, the conditions place responsibility on BOPRC to interpret monitoring results and initiate any review, which is not an efficient or outcomes focused approach.</p> <p>3.3. Sediment transport is squarely within matters of control under the BOPRC Regional Natural Resources Plan (RNRP) Rule WQ 20, which states:</p> <p style="padding-left: 40px;"><i>...Measures to avoid, remedy or mitigate adverse effects of the operation on downstream sediment transport processes.</i></p>

	<p>3.4. To ensure alignment with RNRP Rule WQ 20, BOPRC recommends that conditions include a proportionate ‘monitor-to-manage’ mechanism. This should require the consent holder to assess monitoring results and, where agreed indicators show emerging adverse trends, prepare and implement an appropriate management response. This would strengthen the framework for managing sediment effects without increasing the scope of monitoring or creating unreasonable operational constraints.</p> <p>3.5. BOPRC considers that, in the absence of a subsequent ‘management trigger’, the applicant’s monitoring condition risks being informational only and may not be sufficiently outcomes-focused or enforceable.</p>
<p>4. Planning considerations</p>	<p>4.1. BOPRC agrees that the planning instruments, statutory assessment, and iwi and hapū management plans identified in the application are relevant.</p> <p>4.2. Since the time of lodgement, several new and amended National Policy Statements have come into effect. BOPRC have considered all those relevant, and is satisfied that the application is not contrary to the national direction they set.</p>

Consent Conditions

BOPRC has provided comments on several iterations of the draft suite of consent conditions supplied by the applicant as Appendix E. BOPRC was advised on 2 February 2026 that a more recent version of the conditions (dated 14 January 2026) had been provided to the Fast Track Expert Consenting Panel. While BOPRC has reviewed the updated conditions insofar as they relate to the specific issues discussed in these comments, a full review of the complete amended condition set has not been undertaken at this time.

To align with BOPRC’s practice, we have assigned the application a consent number (RM25-0606).

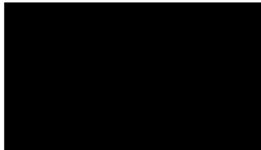
Please note that when drafting conditions, BOPRC’s system (Accela) does not allow tables to be included within the consent documents. As such, if the Panel wishes to include tables within consent conditions, we respectfully request that these are attached as an appendix and referred to in the conditions (e.g. BOPRC Consent Appendix RM25-0606). Our convention is to refer to plans as BOPRC Consent Plan RM25-0606/XX and other material, such as reports or monitoring plans as BOPRC Consent Appendix RM25-0606/XX. These naming conventions are set up so that any cross-referencing between the condition sets and associated documentation is clear.

Conclusion

BOPRC appreciates the opportunity to provide these comments. Overall, we consider that the effects of the proposal can be appropriately managed through robust and outcomes focused consent conditions, subject to the refinements outlined above.

Should the Panel require any further clarification or supporting material, BOPRC is available to assist.

Ngā mihi,



Yvette Shirley
Senior Consents Planner