
**MINUTE 7 OF THE KAIMAI HYDRO-ELECTRIC
POWER SCHEME EXPERT PANEL**

Request for further information

FTAA-2502-1024

20 March 2026

[1] The Kaimai Hydro-Electric Power Scheme Expert Panel is seeking further information under section 67 of the Fast-track Approvals Act 2024 (the Act) concerning how the receiving environment for the Application should be determined.

[2] The Panel notes that in terms of the receiving environment, the High Court in *Ngāti Rangī v Manawatu-Whanganui Regional Council* [2016] NZHC 2948 has said that, for renewal applications, the receiving environment does not include the effects of the current activity (paras [63]-[68]). The Application (pp 25-27) refers to this case, and to an older Environment Court case (*Alexandra Flood Action Society Inc. v Otago Regional Council Decision No C 102/2005*) which appears to adopt a different approach to the High Court. The Panel notes that the High Court provided a useful summary of *Ngāti Rangī* in *Otago Fish and Game Council v Otago Regional Council* [2021] NZHC 3258 (paras [129] to [137]) (in that case distinguishing *Ngāti Rangī* on the basis that this case related to a private plan change).

[3] Given reference has been made to both the High Court and Environment Court case law, the Panel requests the Applicant to clarify what they consider the legal position is. If the Applicant's position is not that the High Court's judgment in *Ngāti Rangī* applies, the Applicant is to clarify why

this is so.

[4] In accordance with section 67(2) of the Act the Applicant must:

- (a) Provide electronic copies of the information or report requested;
or
- (b) Advise the EPA, with reasons that you decline to provide the information or report requested.

[5] The information requested must be provided by 5:00pm Tuesday 7 April 2026. If the information requested is not received, the Panel must proceed as if the request for further information has been declined in accordance with section 67(6) of the Act.

[6] The Expert Panel directs the EPA to publish all documents received, including the draft Sediment Monitoring Plan, on the Fast-track website here: <https://www.fasttrack.govt.nz/projects/kaimai-hydro-electric-power-scheme-re-consenting/correspondence>



Gerald Lanning

Kaimai Hydro-Electric Power Scheme Expert Panel Chair