Memo

Date	29 September 2025
To	Mr Daniel Sadlier, Expert Panel Chair
CC	
From	Susannah Black, CRC Principal Consents Planner

Response to Minute 6

1. Ms Robb's memorandum outlines three areas the Expert Hearing Panel has sought her advice on:
    a. *The success of Project River Recovery in delivering ecological gains to compensate for the effects of the Combined Waitaki Power Scheme.*
    b. *The degree of comfort that the Panel can have that the IBEP (including its first 10-year strategic plan "Kahu Ora") approach now proposed, together with the increased level of funding, will deliver significant ecological/biodiversity improvements for the catchment.*
    c. *Whether the proposed IBEP conditions are appropriate in terms of securing the IBEP, and providing for ongoing assessment and reporting of the outcomes of the IBEP sufficient that stakeholders can assess its efficacy as compensation for the effects of the Tekapo Power Scheme over the life of the consent (assuming 35 years duration).*
2. Where appropriate, Canterbury Regional Council (**CRC**) provides comments on Ms Robb's advice below. For consistency the same headings as used by Ms Robb have been used below.
3. Acknowledging other parties have also been provided opportunity to comment, CRC has provided response with respect to the CRC s53(2) comments only. Further, for clarification, CRC does not consider the advice from Ms Robb, changes the substance of the comments provided by CRC under s53(2).
4. Verbal and/or email advice has been provided by the following people to inform this response:
    a. Susannah Black, CRC Principal Consent Planner;
    b. Kennedy Lange, CRC Senior Biodiversity Advisor;
    c. Dr Philip Grove, CRC Principal Scientist – Land Ecology Science;
    d. Dr Jean Jack, CRC Team Leader, Land Ecology Science.

Project River Recovery

5. CRC notes that Ms Robb has provided a review of PRR documents demonstrating ecological gains. While the request from the Panel summarised by Ms Robb includes *"to compensate for the effects of the Combined Waitaki Power Scheme",* CRC is unclear if the Panel was seeking an assessment of gains compared with losses associated with the scheme. If the later was sought, CRC does not consider the advice provided addresses this.

Indigenous Biodiversity Enhancement Programme

6. CRC notes the Panel sought advice regarding the degree of comfort the Panel can have, that the IBEP will deliver ***"significant** ecological/biodiversity improvements for the catchment".* Again, CRC does not wish to question the intent of the Panel, however notes that while Ms Robb concludes the Panel may be reasonably confident that he IBEP will deliver ecological and biodiversity outcomes in the Waitaki catchment, the significance or quantum of these outcomes is not discussed.
7. Ms Robb notes at paragraph 17:

   "My preference, rather than vary a suite of compliance deadlines, would be to add a requirement that input and feedback from other parties who are delivering biodiversity in the catchment is sought prior to finalising annual work programmes and prior to any review or update of the Strategic Plan."
8. CRC notes that the changes to conditions recommended by Ms Robb (discussed in more detail below) with respect to opportunity for feedback, relates to the annual plan. Ms Robb's comments above suggest input and feedback would also be required prior to review or update of the Strategic Plan. Given the recommended changes appear to only relate to the annual plan; CRC suggests aligning wording between annual and strategic plan conditions may be beneficial if Ms Robb's intention is for the 'same' process to be followed for all plans.

Recommended changes to conditions

9. Ms Robb recommends two additions to condition 29 (d) and (e) to identify key implementation outcomes and milestones and the monitoring that will be used to demonstrate the achievement of the milestones and progress towards outcomes. CRC considers this may be an error and should in fact refer to condition 28 which lists subclauses (a) to (f)[1]. These changes generally align with the recommendations made in CRC s53(2) comments and as such are supported.
10. Ms Robb suggests similar changes be made to condition 31. Noting the content of condition 31 is quite different to condition 28 and includes a list of objectives, CRC is

[1] Condition 29 as proffered by the applicant consists of only subclauses (a) and (b).

unsure of the implied changes. Regardless, CRC is generally supportive of the inclusion of reference to ‘outcomes’.

11. With respect to the recommended new bullet to be added to condition 30, CRC acknowledges the intent of this appears to be much the same as CRC recommended inclusion to condition 34 and as such is supported. This provides for the opportunity for feedback to be provided on annual plans while Ms Robb’s recommended changes to condition 33 requires consideration of the received feedback and is supported.

12. In relation to the feedback process, the recommended changes to proffered conditions recorded in Appendix 10 to CRC s53(2) comments were drafted with the intent of providing a clear feedback process so that timing and expectations of who was to provide input were clear to all parties involved. CRC encourages the Panel and Applicant, if it chooses to implement Ms Robb’s changes, ensure that the conditions are drafted such that the nature of feedback, who the ‘other parties’ may be, and expectations as to how that feedback may or may not be incorporated is clear.