

UNDER the Fast-track Approvals Act 2024 (**Act**)

IN THE MATTER an application for approvals for the Lake Pūkaki Hydro
Storage and Dam Resilience Works – a referred project

BY **MERIDIAN ENERGY LIMITED**
Applicant

**APPLICANT'S RESPONSE TO DRAFT CONDITIONS:
SUBMISSIONS OF COUNSEL FOR MERIDIAN ENERGY LIMITED**

19 June 2026

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MAY IT PLEASE THE PANEL

1. These submissions form part of Meridian Energy Limited's response to the Panel's draft conditions provided to participants for comment pursuant to section 70(1) of the Act, and to the comments on those draft conditions made by participants, as provided for in section 70(4) of the Act and in accordance with the direction in Minute 7 dated 5 June 2026. These submissions should be read in conjunction with the accompanying tables of conditions and comments, the accompanying evidence of Ms Callaghan and Mr Blundell, and the accompanying report prepared by Dr Webby¹

An update in relation to the reconsenting of the Waitaki Power Scheme, including the operation of Lake Pūkaki

2. On 15 June 2026 the Environment Court released its decision on replacement consents for the operation of the Waitaki Power Scheme. The decision² grants all consents applied for by Meridian for 35 years subject to the conditions proffered by Meridian. The replacement consents have now commenced.
3. Relevantly, this includes a new (replacement) consent³ that preserves the *status quo* management of water stored in Lake Pūkaki. Specifically, Meridian may continue to freely manage the level of the lake between the Normal Consented Minimum Lake Level of 518 m RL and the Maximum Consented Storage Level of 532.5 m RL, and between the Normal Consented Minimum Lake Level of 518 m RL and the Alert Minimum Control Level (Security of Supply Alert) of 515 m RL when there is a Security of Supply Alert in place in accordance with the then current Security of Supply Forecasting and Information Policy.⁴

¹ Due to availability and logistical issues, it has not been possible to have Dr Webby and Mr Lal present this material in evidence format. If the Panel requires their advice in evidence format that can be arranged.

² [2026] NZEnvC 140

³ CRC240441, conditions 7-10

⁴ Noting that the lowering of the lake below 515 m RL and down to 513 m RL is not authorised by consent. Rather it is a permitted activity when there is an official conservation campaign in place in accordance with Rule 17 of the Waitaki Catchment Water Allocation Regional Plan (**WAP**)

4. I draw this decision to the Panel's attention simply to note that nothing has changed as a result of the grant of the replacement consents that is of consequence to the process the Panel is undertaking. Meridian still requires the consent applied for to be able to access water below 518 m RL when there is not a Security of Supply Alert (or Official Conservation Campaign) in place, and the new consents reflect the ongoing importance to New Zealand of Lake Pūkaki's large and flexible storage.

The proposed expiry date

5. The Panel's draft conditions propose the lake lowering consent should have an expiry date of 1 September 2028.
6. The draft decision includes no discussion of the proposed expiry date.
7. In my submission the expiry date should be 31 December 2028 and not 1 September 2028.
8. As explained in Ms Callaghan's evidence, the application is clear in seeking consent to the end of 2028 and the applicant's modelling and assessment applies over this longer period to 31 December 2028. There is no scope issue with a 31 December 2028 expiry date.
9. As explained in Mr Blundell's evidence, a 1 September 2028 expiry date would render the consent unusable in winter 2028 because reservoir operators could not be certain that if the lake was drawn below 518 m RL in the weeks or months leading up to 1 September 2028, that by the time that date rolled around, the level would be restored to 518 m RL or above.
10. Meridian is not aware of an effects justification for a 1 September 2028 expiry date and accordingly respectfully requests that the expiry date be 31 December 2028 in accordance with the application. The requested expiry date will enable the consent to be exercised in 2028 if needed. I submit that a consent condition setting expiry date of 31 December 2028 is consistent with the application and with s83 of the FTAA, whereas 1 September 2028 is not.

11. There is a related comment by Genesis Energy Limited (GEL) suggesting the exercise of the consent be limited to June, July and August in 2026, 2027 or 2028. I apprehend that this comment is a hangover from GEL's earlier comment suggesting the scope of the application is limited to those months in each year. That is not correct for the reasons discussed in earlier submissions. The GEL suggestion would have the effect of rendering the consent largely ineffective. Not only would the same problem as discussed above in relation to a 1 September 2028 expiry date apply in 2028, but it would apply in 2026 and 2027 as well. The challenge would apply to the months prior to June every year and to the period running up to 1 September. For these reasons, the GEL suggestion cannot be adopted. Not only would such a condition fail the test in section 83 of the Act, it would also be unlawful because it would frustrate the exercise of the consent.⁵

The Department of Conservation's comments in relation to the Wetland Ecological Management Plan (WEMP)

12. Meridian's evidence clearly indicated that the only wetland connected to the lake below 518 m RL that stands to be impacted by the lowering of the lake, as the current proposal would allow, is a part of the Tasman Delta.
13. Accordingly, the WEMP should apply only to that wetland.
14. Further, the WEMP conditions need to be carefully worded to ensure they relate to the exercise of the consent applied for, and not any similar wetland effects caused by the operation of the lake within the normal range or below 518 m RL in accordance with CRC240441 or permitted activity Rule 17 in the WAP.
15. The attached table proposes appropriate wording to address both matters.

The Department of Conservation's comments about lake level controls within the Main Operating Range

16. The Department of Conservation suggests that conditions should be imposed on the maintenance of lake levels within Lake Pūkaki's main range. The

⁵ *Lyttelton Port Co Ltd v Canterbury Regional Council* EnvC C8/2001

Department suggests that this is appropriate to mitigate the effects of lowering the lake level below 518 m RL under the proposed consent.

17. That proposition is entirely rejected. Both the previous and just issued replacement consents for the operation of the Waitaki Power Scheme authorise the unrestricted operation of Lake Pūkaki down to 518 m RL, and the operation down to 515 m RL when there is a Security of Supply Alert. There is no suggestion under the existing consent for the operation of Lake Pūkaki, that there needs to be some kind of trade-off between the management of the lake towards the bottom of its range, and restrictions on the operation of the lake above those low levels.
18. The Department's suggestion implies that there is some known effect on plant values that will occur under the operation of the proposed consent that will be addressed by imposing constraints on how the lake is operated at higher levels. With respect, where is the compelling evidence, beyond supposition, that supports such a conclusion?
19. Mr Blundell's evidence explains the implications of the imposition of conditions that restrict the flexibility with which New Zealand's most important reservoir can be operated. Those implications are significant. Rather than making energy available to realise benefits, the condition would be much worse than *status quo* for the electricity system.
20. Even if such conditions were lawful, they are not supportable on the evidence. Further to that, given what the impact would be on the operation of Lake Pūkaki, even if such conditions were shown to address an effect (which is not the case), the adverse effects such conditions would have on the energy contributions of the Waitaki Power Scheme are disproportionate to whatever limited ecological benefits might be obtained.
21. The Department's suggestion that highly modified and controlled Lake Pūkaki is comparable to Lakes Manapōuri and Te Anau, that sit within Fiordland National Park and are subject to a unique lake level management regime in association

with the Manapōuri Power Scheme established by bespoke legislation⁶ to protect extensive natural lakeshore values, beggars belief.

22. Meridian has worked with the Department of Conservation for close to half a decade on the re consenting of the Waitaki Power Scheme and reached an agreed position regarding biodiversity compensation and the utilisation of the full range of Lake Pūkaki and other matters, given the significance of the scheme. In contrast to the re consenting of the Waitaki Power Scheme, the Department's approach to the present proposal fails to recognise the national importance of Lake Pūkaki's large and unconstrained main operating range. It also fails to account for the obvious differences between the natural lakeshores of Lakes Manapōuri and Te Anau, and the highly modified and variable lakeshore of Lake Pūkaki, including the relevant biodiversity compensation agreements in place with the Department. In the context, the Department's suggestion is unreasonable and disappointing.
23. For the avoidance of any doubt, I am instructed that if the consent was ultimately made subject to conditions constraining Meridian's ability to flexibly operate Lake Pūkaki throughout its normal operating range, the consent would not be exercised.

Work on Tekapo B Weir and rock chute

24. I refer the Panel to Dr Webby and Mr Lal's (of Damwatch) memorandum in relation to the Panel's draft conditions on the topic of preventative and remedial engineering work at Tekapo B.
25. Meridian instructed the engineers to consider the Panel's proposed conditions requiring that work and to identify any matters that arise from the Panel's wording that could helpfully be addressed.
26. I submit it is important for the Panel to appreciate that while a limited amount of preventative work can be undertaken while infrastructure is submerged in the lake, the majority of the listed work requires access to infrastructure in the 'dry', and as lake levels lower.

⁶ Manapouri-Te Anau Development Act 1963

27. Meridian is not proposing to lower the lake level to undertake dam face armouring on its own Pūkaki Dam. Rather, that work will only take place as and when electricity generation requirements cause lower lake levels to exist and allow for contractor mobilisation. Meridian considers this the responsible way to manage the valuable lake water resource.
28. The same approach will be applied in relation to work around Tekapo B, meaning that over the term of the consent to 31 December 2028, it is likely that at least a proportion, or quite possibly all, the work that needs to take place in the 'dry' will not occur.
29. Edits to draft conditions are suggested following Dr Webby and Mr Lal's comments, regarding the task of the SQEP developing the Repair Strategy and Associated Works Programme.
30. That notwithstanding, Meridian accepts that in the prevailing circumstance where it has been unable to reach an agreement with GEL outside the consent process, the Panel's draft conditions, subject to the suggestions now made by Meridian, represent a reasonable (albeit conservative) outcome.

Dated 19 June 2026



Stephen Christensen
Counsel for Meridian Energy Limited