

**BEFORE THE EXPERT PANEL UNDER THE FAST-TRACK APPROVALS ACT 2024**

**IN THE MATTER OF** an application for resource consents by Manawa Energy Limited (**Manawa Energy**) for activities associated with the listed Kaimai Hydroelectric Power Scheme (**Kaimai HEPS**) Re-Consenting Project

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**MEMORANDUM OF COUNSEL - APPLICANT COMMENTS ON DRAFT CONDITIONS**

**FTAA-2502-1024 – 4 MAY 2026**

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**Introduction**

1. In accordance with Minute 9 of the Expert Panel, this Memorandum of Counsel, together with the attached tracked change version of conditions, provides the Applicant's comments on draft conditions under s 70 of the Fast-track Approvals Act 2024.
2. Manawa Energy thanks the Expert Panel for the draft decision and draft conditions.

**Comments on draft conditions**

3. The Expert Panel has made five substantive changes to the proposed conditions for the Kaimai HEPS that were filed by Manawa Energy in response to comments on 12 February 2026.

*Condition 1*

4. With respect to the proposed requirement to at least maintain the current nature and scope of public access,<sup>1</sup> Manawa Energy understands that Ngāti Hangarau / Ngamanawa Incorporation have some concerns about this

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<sup>1</sup> Condition 1.13.

condition, as it relates to the upper catchment. In light of that, Manawa Energy proposes to await their comments and respond on this condition on 11 May 2026. In the intervening period it will engage with Ngāti Hangarau / Ngamanawa Incorporation regarding the wording of the proposed condition.

5. Manawa Energy has no comments on the change to conditions which ensures that the definition of “emergency conditions” is a condition of consent (rather than an advice note).<sup>2</sup> However, in checking cross-referencing within the condition set, minor updates to the condition referencing are proposed.

#### *Condition 9*

6. Manawa Energy has no comments on the proposed change that the warning of a recreational release of water provides sufficient time for people to vacate the affected area.

#### *Conditions 12 and 14*

7. With respect to the proposed changes to require the consent holder to consider and respond to any recommendations to address adverse effects identified by sediment and/or temperature monitoring, Manawa Energy has been in discussion with the Bay of Plenty Regional Council (**BOPRC**), as BOPRC indicated that it would be suggesting some changes. Manawa Energy and BOPRC have agreed proposed changes to those conditions, and these are reflected in the attached tracked change version of conditions.

#### *Condition 15*

8. With respect to the proposed change to make it clear that, in the event an entity that is entitled to join the Mana Whenua Kaitiaki Rōpū decides not to join, the consent holder must engage with and consult that entity, Manawa Energy suggests that the words “must consult” be replaced with the following:<sup>3</sup>

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<sup>2</sup> Condition 1.14.

<sup>3</sup> Condition 15.7.

*must invite that entity to engage with the Consent Holder in relation to the matters set out in condition 15.3*

9. This would enable the intent of the condition to be delivered whilst avoiding any interpretative difficulties as to what the words “must consult” entail.

**Correction of minor errors including cross referencing**

10. The attached tracked change version of conditions contains proposed changes and comments which correct minor grammatical and cross referencing errors.
11. This includes a correction to the monitoring point for water temperature monitoring downstream of the Mangakarengorengo Weir.<sup>4</sup> The condition presently refers to “approximately 300m downstream of the intake gates in a pool that is located on a sharp bend in the channel of the Mangakarengorengo River”. Manawa Energy has re-measured the location of the pool located on the sharp bend downstream of the Mangakarengorengo Weir and considers that the distance is more accurately stated as approximately 360m downstream. We therefore request that the condition be amended accordingly.

**DATED** at Tauranga this 4<sup>th</sup> day of May 2026



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Vanessa Hamm / Bridget Bailey  
Counsel for Manawa Energy Limited

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<sup>4</sup> Condition 14.1.