

Before the panel convener appointed under the
Fast-track Approvals Act 2024

FTAA-2510-1120

Under the Fast-track Approvals Act 2024

In the matter Lake Pūkaki Hydro Storage and Dam Resilience Works

By Meridian Energy Limited

**RESPONSE OF CANTERBURY REGIONAL COUNCIL TO MINUTE 1 OF THE PANEL
CONVENER**

26th January 2026

MAY IT PLEASE THE PANEL CONVENER

1. This memorandum is provided on behalf of Canterbury Regional Council (**CRC**) in response to Minute 1 of the Panel Convener dated 12th December 2025 (**Minute 1**), regarding the Meridian Energy Limited (**Meridian**) application for approvals for Lake Pūkaki Hydro Storage and Dam Resilience Works.

Minute 1, Timeframe for a decision

2. CRC proposes the timeline in Appendix 3¹. Reasons for timeframes are included in the CRC comments/reasoning column, however a brief more general consideration is given below.
3. As advised in s46 letter, CRC considered the application to be procedurally complete when lodged and does not consider substantive further technical information is required to decide the application. However, CRC did consider there were some matters which would benefit from further technical discussion, and a number of those discussions have already been undertaken. There is an amount of technical work supporting the application for the Panel to consider and some time allowance should be made for this. CRC acknowledges that there will be some areas of technical consideration where adverse effects on the environment are not proposed to be mitigated² meaning these will simply be matters for the Panel to consider when making their determination.
4. With respect to proffered conditions, CRC does not consider those lodged with the application to be complete and are committed to continuing discussions with Meridian. Specifically, consideration needs to be given to activities undertaken under s13 of the Resource Management Act 1991 (**RMA**). Further, CRC notes Meridian refers in their application to

¹ Schedule 1 of Minute 1, completed with CRC comments

² For example, restrictions on the period of time the lake is drawn below specified levels which may have environmental benefit essentially would counter the purpose of the application to have less restrictions during those periods.

mitigations/compensation measures proposed as part of Meridian's consenting of the Waitaki Power Scheme (currently being decided by the Environment Court). Noting those consents have not yet been decided, careful consideration needs to be given to ensure any of the mitigation/compensation measures relied upon for this proposal are included as conditions of consent³.

5. CRC suggests an additional 20 working days would provide the Panel with sufficient time to work through the matters described above. CRC is happy to discuss timeframes further at the Panel Convener Conference. As noted below, CRC has not given consideration to the time that may be required from Department of Conservation (DOC) with respect to Wildlife Approvals.

Matters to consider when preparing for conference⁴

Approvals

[1] The number and range of approvals sought

6. Meridian, in their application, seeks four approvals from CRC for activities described in the RMA.
7. One approval is required under both section 14 and section 13, then two approvals are required under section 15, totalling four approvals. This is outlined in more detail below:
 - (a) Water Consent (s14) – prohibited activity – the lowering of lake Pūkaki to a minimum lake level of 513m RL at the times sought is prohibited under Rule 12 of the Waitaki Catchment Water Allocation Regional Plan (WCWARP), as the proposal cannot comply with Rule 3 of the WCWARP. The proposed activity includes:

³ It may be that the Environment Court issues the consents sought by Meridian with conditions different to those which have been proffered.

⁴ Minute 1, Schedule 2

- (i) Lowering of Lake Pūkaki below the levels provided for in the WCWARP (513m RL) outside of a declared Security of Supply Alert and Official Conservation Campaign.
 - (ii) Requested duration: 3 years.
- (b) Land Use Consent (s13) – discretionary activity – rock armouring works in the bed of Lake Pūkaki. This relates to areas of works which are not permitted under Rule 5.158 of the Canterbury Land and Water Regional Plan (LWRP). The Applicant identifies consent is required under Rule 5.150 LWRP (discretionary activity), CRC considers that Rule 5.6 LWRP may be the more appropriate rule (discretionary activity). The proposed activity includes:
 - (i) Dam resilience and rock armouring works on the face of the dam and associated disturbance of the bed of lake.
 - (ii) We note that Rule 5.158 LWRP which provides for *“the use and maintenance of a lawfully established dam that existed on 1 November 2013”* as a permitted activity. We agree with the determination that the dam resilience works will not increase the external envelope. Further the applicant considers the proposed rock armouring works will comply with the definition of *“maintenance”*⁵, CRC agrees with the Applicant that the proposed works largely meet the definition. Meridian have provided a schematic which identified areas of works considered as permitted and areas within the lakebed triggering consent under section 13⁶. As such, the scale of works which require consent is relatively small compared to the works which will be undertaken as permitted activities.
 - (iii) Requested duration: 35 years. Note the duration sought is longer than that sought for s14 activity. This is to ensure that if the s14 consent (if granted) is not exercised to its fullest extent, that Meridan could still carry out dam protection works in the future should they

⁵ Appendix 2

⁶ Appendix 1

instead utilise the currently consented or permitted activity pathways for lowering the lake.

- (c) Discharge Consent (s15) – discretionary activity – discharge of water or contaminants into surface water, which includes:
 - (i) Discharges associated with works in the bed of Lake Pūkaki. Consent is required under Rule 5.100 of LWRP.
 - (ii) Requested duration: 35 years.
 - (d) Discharge Consent (s15) – non-complying activity – discharge of contaminants to air, which includes:
 - (i) Discharges relating to dam resilience works, as well as
 - (ii) Discharges relating to dust generated from the lowering of Lake Pūkaki to 513m RL. Consent is required under Rule 7.5 of the Canterbury Regional Air Plan (CARP).
 - (iii) Requested duration: 35 years.
- 8.** CRC understands that the proposal also triggers an approval (Wildlife Permit) under the Wildlife Act 1953, however this is under the jurisdiction of Department of Conservation (DOC) and as such CRC has not provided further commentary on this matter.

Complexity

- 9.** Appendix 4 provides consideration of the matters set out in Schedule 2 [3], Minute 1. Five approvals between two statutes are sought. The scale of effects of these approvals varies greatly.
- 10.** CRC considers the complexity falls largely under evidentiary complexity, not legal complexity with key areas concerning the level of technical detail, including the reliance on consented and permitted baselines for the prohibited activity; and the relationship between the conditions proposed for these activities and the consents currently with the Court (CRC240441 - CRC240459).
- 11.** We suggest complexity relating to the Discharge to Air consent would be reduced if a Dust Management Plan (prepared in accordance with the CARP)

was before the Panel to then become incorporated into final approval (if granted).

12. CRC considers that due to Lake Pūkaki being a statutory acknowledgement area for Ngai Tahu in addition to the Nohoanga site being near the proposal, continued consultation with iwi should be sought to work through cultural sensitivities. Further detail on complexity is provided in the table below.

Issues⁷

13. Meridian have sought to reconstent the Waitaki Power Scheme, directly referring that application⁸ to Environment Court. That proposal was lodged with CRC in 2023, heard by Court in November 2025, and is currently awaiting decision from the Environment Court. The reconstenting applications seek controlled activities which must be granted however significant discussion was had relating to conditions those consents may be issued with. As previously referred to, this fast-track application makes reference to, and relies on, mitigations/compensation proffered under the reconstenting proposal. The timing for decision on the reconstenting application is unknown and as such, standalone conditions for this proposal may be appropriate. It is proposed by Meridian that these consents would essentially allow them to over-ride some of the restrictions applied to those consents currently held and being renewed.
14. Meridian have sought to reconstent the Waitaki Power Scheme, directly referring that application to Environment Court. That proposal was lodged with CRC in 2023, heard by Court in November 2025, and is currently awaiting decision from the Environment Court. The reconstenting applications seek controlled activities which must be granted however significant discussion was had relating to conditions those consents may be issued with. As previously referred to, this fast-track application makes

⁷ Minute 1, Schedule 2 [3]

⁸ Resource consent applications CRC240441 - CRC240459 regarding renewing section 14 Water Permits to Take, Use, Dam and Divert Water and section 15 Discharge Permits to Discharge Contaminants or Water into Water.

reference to, and relies on, mitigations/compensation proffered under the reconsenting proposal. The timing for decision on the reconsenting application is unknown and as such, standalone conditions for this proposal may be appropriate. It is proposed by Meridian that these consents would essentially allow them to over-ride some of the restrictions applied to those consents currently held and being renewed.

- 15.** The fast-track proposal does not concern itself with an activity with the same or similar proposal recently lodged with CRC (noting the reconsenting application is subject to different minimum lake level restrictions to those sought under this proposal), as such s92 request for such applications are not applicable⁹.
- 16.** It is noted that Meridian have been receptive and proactive with respect to consultation and engagement with CRC planning and technical staff with a number of meetings held already to date.
- 17.** With respect to technical conferencing, both surface water and groundwater discussions have been held between Meridian and CRC technical experts. This has been beneficial, with further information provided by Meridian clarifying many of the matters CRC experts had questioned. CRC hydrologist notes that there has not been a hydrological assessment of the changes in the Pūkaki River and this has only been addressed narratively in the ecological assessment. CRC hydrogeologist (groundwater) holds some reservations with respect to effects on the Tasman Delta.
- 18.** CRC understands that recent engagement between Meridian and relevant iwi authorities has not occurred, and notes that Meridian is willing to continue to engage with the relevant iwi authorities to better understand the cultural impacts of the proposal to support the Panel's assessment of cultural effects.

⁹ Minute 1, Schedule 2 [3](c)

19. CRC is willing to engage with Meridian to further refine the proposed conditions and will continue discussions in advance of a panel being appointed.

Panel membership¹⁰

20. In relation to item [4](a), CRC considers the following skills and areas of expertise would be beneficial for inclusion on the Panel:
- (a) Planning and RMA expertise, given the issues outlined above; and
 - (b) Experience in condition drafting, to ensure that any approval is accompanied by conditions that are practical, monitorable and enforceable.
 - (c) Familiarity with WCWARP, particularly relating to the permitted baseline of this application.
 - (d) Cultural understanding – CRC considers that an appreciation of cultural values is relevant to decision-making. It is CRC's understanding that the relevant iwi authorities and Treaty settlement entities listed in Schedule 3 of the minute will be invited to nominate a panel member with the appropriate cultural expertise, and this is supported.

Procedural requirements¹¹

21. CRC is willing to engage directly with the Panel as necessary. As noted above, CRC is happy to discuss specific matters with Meridian in more detail and intends to continue ongoing discussions with Meridian and other relevant parties.
22. CRC does not anticipate a hearing would be required for this proposal. Where the Panel have specific technical questions, CRC suggests an online meeting between the Panel and key experts may provide a timely approach to distilling any issues that may arise.

¹⁰ Minute 1, Schedule 2 [4]

¹¹ Minute 1, Schedule 2 [6]

Anything else¹²

23. CRC notes that consideration of the month of April, in particular to the April school holidays should be taken into account regarding staff availability. CRC makes the suggestion that any work requested within this holiday period, should span across the full two weeks, in order combat delays.
24. CRC does not consider that any other information, beside that discussed above, will be required.

Confirmation of Attendance¹³

25. The following CRC staff will attend the panel conveners conference on Thursday, 29th January 2026 at 10:00am:
- (a) Robyn Fitchett – CRC General Counsel
 - (b) Susannah Black – CRC Principal Consents Planner
 - (c) Jeremy Ecker – CRC Consents Planner

Dated: 26th January 2025



Robyn Fitchett
General Counsel for Canterbury Regional Council

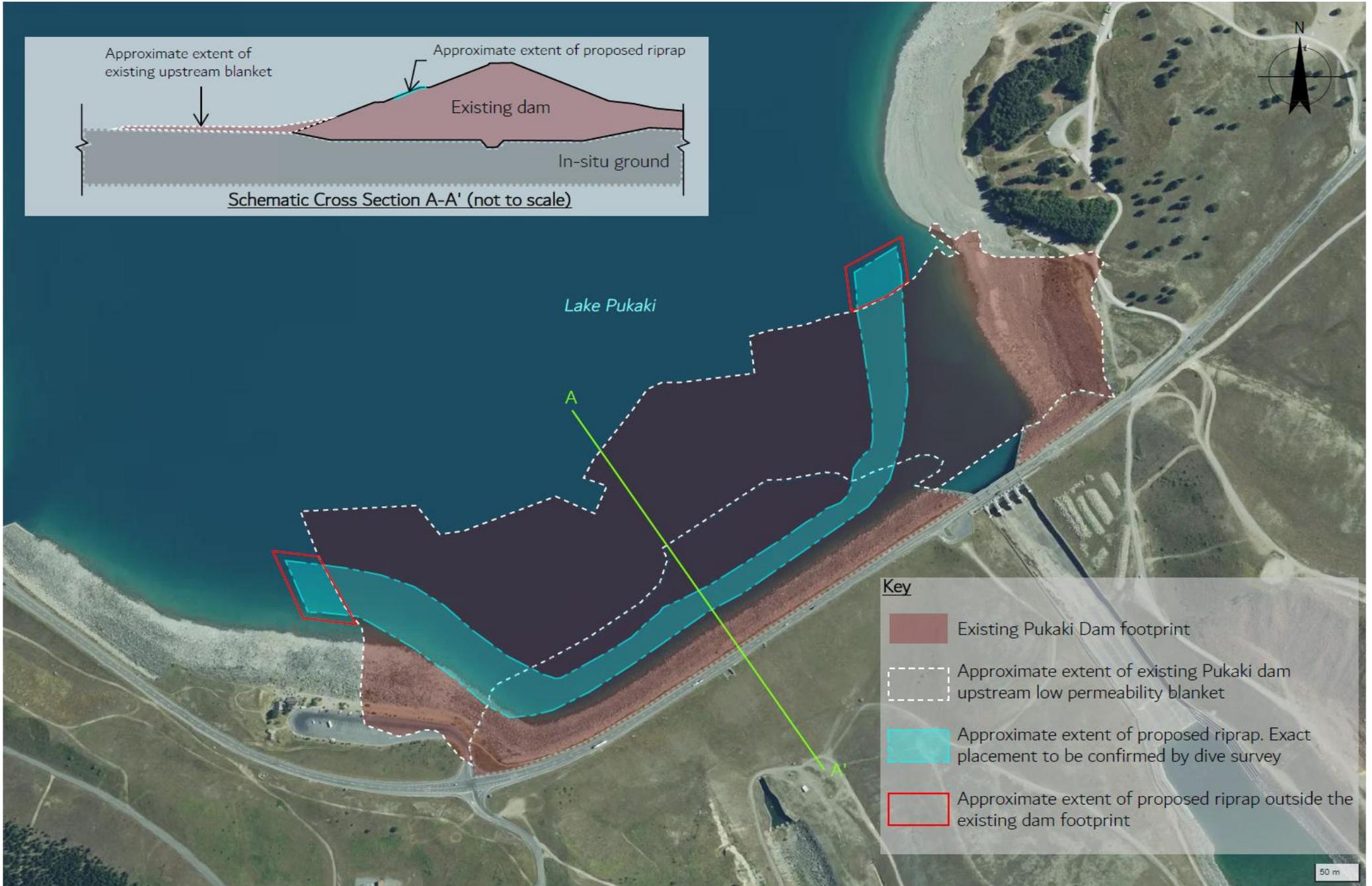
¹² Minute 1, Schedule 2 [7]

¹³ Minute 1, Schedule 2 [15]b

Appendix 1 – Canterbury Land and Water Regional Plan Rule and Definition

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| Maintenance | means repairing and keeping a structure, land or vegetation in good and safe condition and includes upgrading and minor alterations as long as any upgrading or minor alteration does not materially increase the footprint, height, or external envelope of the structure. |
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- i.
- ii. **5.158 The use and maintenance of a lawfully established dam that existed on 1 November 2013 is a permitted activity.**

Appendix 2 – Updated Schematic of Existing Dam Extent



UNCLASSIFIED

Appendix 3 – Schedule 1: Participants’ Estimated Timeframe

| Task | Working days <i>(italics indicate CRC suggestions)</i> | Date | CRC comments/reasoning |
|--------------------------------------|---|------------|--|
| Panel commencement | <i>Starts in February (Indicative)</i> | 9/02/2026 | Start time ultimately to be determined by Panel member availability. Suggested date factors in time for CRC to recommend and confirm availability of our nominee. |
| Invite comment from relevant parties | 10 W/D later | 23/02/2026 | <p>CRC will provide comment under section 53 of the FTAA as a relevant local authority.</p> <p>Section 54, does not pertain to CRC, as this section is only relevant to iwi authority.</p> <p>Beneficial for comments from relevant parties to be requested within statutory timeframes so that Panel receives that information as soon as possible to assist their consideration.</p> |
| Comments close (s 53 & 54) | 20 W/D later | 23/03/2026 | CRC will be able to provide comments within 20 working days noting all technical experts have been engaged and are considering the application. |
| Comments close for applicants (s 55) | 5 W/D later | 30/03/2026 | Not applicable to CRC, Meridian may provide the Panel with a response within 5 working days after the date specified in s54(1) of the FTAA. |

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| <p>Any other procedural steps, evaluation and decision writing</p> | <p>20 W/D later</p> | <p>30/04/2026</p> | <p>CRC has not identified any specific areas where the Panel may need to request expert advice. Further CRC does not anticipate any need for a hearing. Should the Panel have any specific questions for CRC experts, we suggest these could be addressed through an online meeting.</p> <p>Noting that CRC has not engaged experts regarding electricity supply/benefits, the panel may wish to explore this further.</p> <p>Acknowledging the quantity of technical reports accompanying the application CRC considers that the Panel may benefit from some additional time. CRC suggests an additional 20 days to consider the proposal including preparation of draft conditions to be appropriate.</p> |
| <p>Draft decision is to approve</p> | | | |
| <p>Draft decision and conditions to Ministers (s 72)</p> | <p>5 W/D later</p> | <p>7/05/2026</p> | <p>CRC considers that while this proposal may not be as large scale as many other Fast Track applications, some extra time for the decision to be prepared would be beneficial for the Panel. Extra time has been provided for this within the previous step. As such CRC has left this as per Fast-track Approval Act 2024(FTAA).</p> |
| <p>Response from Ministers. (s 72)</p> | <p>10 W/D later</p> | <p>21/05/2026</p> | |

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| Applicant response to Ministers comments (if any) | <i>5 W/D later</i> | 28/05/2026 | CRC considers Meridian is best to advise on this. |
| Draft conditions and decision to participants (s 70(1)) | <i>5 W/D later</i> | 7/05/2026 | CRC notes that this step can occur simultaneously with s72 request to ministers. CRC has suggested aligning both steps to 7/05/2026. |
| Participant comments on draft conditions (s70(2)) | <i>10 W/D later</i> | 21/05/2026 | 10 WD is sufficient time for CRC to provide comment on draft conditions as we anticipate having continual discussions with Meridian on conditions throughout the process. |
| Applicant response to participants on conditions (s 70(4)) | <i>5 W/D later</i> | 28/05/2026 | CRC considers Meridian is best to advise on this. |
| If not agreed, procedural step in relation to draft conditions. | <i>5 W/D later</i> | 5/06/2026 | CRC considers an extra 5 working days for the Panel would likely to be sufficient to finalise conditions. |
| Evaluate and finalise decision | <i>10 W/D later</i> | 19/06/2026 | CRC notes this is a brief period of time should comment on draft conditions be substantive and require rework by the Panel. |

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| Decision release | 5 W/D later | 26/06/2026 | A decision may be released sooner than 5 working days. |
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Appendix 4 – Consideration of Complexity

The content in the first two columns of the table is copied directly from Schedule 2.

| Table 1: consideration of complexity | | |
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| Level of complexity | Specific provision | CRC comment |
| (a) Legal Complexity: novel or difficult legal issues | (i) involve untested law or interpretation of statute; | <p>This proposal does rely on consented and permitted baselines.</p> <p>Further, there is a reliance on mitigation measures proffered for consenting applications CRC240441 - CRC240459, currently being determined by Environment Court. Those consents are for controlled activities so must be granted, however the conditions which they may be granted with are yet to be determined by the Court. CRC are still unclear on how the conditions of this proposal will interrelate to the consenting applications.</p> <p>While CRC does not consider that there is any legal complexity relating to untested law or interpretation of statute, the intricacies described above will require careful consideration when determining these approvals.</p> |
| | (ii) involve application for multiple approvals; | <p>Four approvals are sought from CRC, involving sections 13, 14 and 15 of the RMA. There are a number of activities within each approval, as described in [1] above. The scale of effects associated with these approvals vary significantly.</p> <p>In addition to the approval (Wildlife Permit) under the Wildlife Act, however this is under the jurisdiction of DOC.</p> |

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| (iii) interface with two or more statutes; and | <p>Setting aside the FTAA, the application seeks approval under both the RMA and the Wildlife Act.</p> <p>Within the RMA framework the following key legislative documents apply to this proposal:</p> <ol style="list-style-type: none"> 1) National Policy Statement for Freshwater Management 2020 (NPS-FM) 2) National Policy Statement for Renewable Energy Generation 2011 (NPS-REG) 3) National Policy Statement for Natural Hazards 2025 (NPS-NH) 4) National Policy Statement for Infrastructure 2025 (NPS-I) 5) Canterbury Regional Policy Statement 2021 (CRPS) <p>The applicable regional plans for classifying the proposed activities are the Canterbury Land and Water Regional Plan (LWRP) and the Waitaki Catchment Water Allocation Regional Plan (WCWARP).</p> <p>The proposal contains a prohibited activity therefore a traditional consent application cannot be wholly made under the RMA. The Fast-track Approvals Act (FTAA) expressly makes provision for the granting of consents for activities that are prohibited by rules in RMA plans (Sch 5, clause 17(3) and (4)).</p> |
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| | (iv) engage constitutional law and public law. | Constitutional and public law is not anticipated to apply. |
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| (b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence | (i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and | <p>CRC acknowledges that the applicant has undertaken consultation⁷ with a number of interested and/or affected parties and commissioned a number of technical reports.</p> <p>Notwithstanding this, CRC considers that further discussions are necessary to gain a better understanding of potential effects. Specifically, CRC believes further conversations with Meridian will provide for many of the matters listed in CRC s46 letter to be resolved so that key matters for this proposal only remain for the Panel to determine.</p> <p>CRC considers further consultation with Iwi is necessary to understand the potential cultural effects of the proposal, as well as determining any mitigations or conditions to address potential cultural effects.</p> |
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| | <p>(ii) often involve technical or scientific analysis</p> | <p>The applicant submitted appendices with the application, each addressing a specific potential effect of the proposal. The technical assessments relevant to the approvals relevant to CRC are:</p> <ol style="list-style-type: none"> 1. Appendix B - Pūkaki Lake Management Memo 2. Appendix C - Pūkaki Dam Rip-Rap Design and Construction Methodology 3. Appendix D - Erosion and Sediment Control Plan 4. Appendix F - Air Quality Assessment - Lake Shore Wind Erosion 5. Appendix G - Air Quality Assessment - Rip-Rap Placement 6. Appendix H File 1 of 2 - Certificate of Title - Operating Easement land 7. Appendix H File 2 of 2 - Certificate of Title 8. Appendix I - Adjoining landowners and occupiers 9. Appendix J - Groundwater Assessment 10. Appendix K - Lake Processes and Geomorphology 11. Appendix L - Engineering Structures Assessment 12. Appendix M - Ecological Impact Assessment 13. Appendix N File 1 of 2 - Landscape Assessment 14. Appendix N File 2 of 2 - Landscape Assessment - Graphic Attachments 15. Appendix P - Statutory Analysis 16. Appendix Q - Consultation summary 17. Appendix R - ECan Comments Response Table <p>CRC Internal and external science experts have undertaken a detailed review of these documents and discussions are underway with the applicant regarding aspects where clarification is required.</p> <p>CRC acknowledges the amount of technical information and associated reports/appendices for the panel to work through.</p> |
| <p>(c) Factual Complexity: arises from the volume and nature of evidence -</p> | <p>(i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and</p> <p>(ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.</p> | <p>As noted above, there are many technical reports, which have in turn been reviewed by CRC technical experts.</p> <p>CRC has not engaged an expert relating to hydro-electricity generation or benefits. This may be an area the Panel should consider if they need to seek technical advice on.</p> <p>For some areas, CRC technical experts have identified adverse effects of this proposal and while mitigation measures have been considered, CRC acknowledges such options counter the proposal and as such there simply may be adverse effects of the proposal for the Panel to consider when making their determination.</p> |