

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

MEMORANDUM OF COUNSEL – MINOR CORRECTIONS TO CONDITIONS

FTAA-2502-1024 – 22 MAY 2026

Introduction

1. This Memorandum is filed in response to the invitation in the EPA's letter dated 15 May 2026 to advise if we identify any minor mistakes or defects in the consent conditions for the Kaimai Hydroelectric Power Scheme.
2. In accordance with that invitation, the Applicant has reviewed the final conditions attached to the Expert Panel's decision, and identifies below a number of minor errors, omissions and drafting inconsistencies. We respectfully request that the Expert Panel correct these.
3. The corrections sought are confined to minor matters of drafting, clarity and internal consistency. They do not alter the substance or intent of the conditions as granted.

Incompleteness

4. There are two instances where drafting remains incomplete or placeholders have not been resolved:

- (a) Condition 1.14 retains square brackets around “[November 2027]”. The brackets should be removed so that the date is operative.
- (b) Advice Note 1 (page 21) retains “[insert consent number]”. This should be replaced with the consent number RM25-0606-/01.

Numbering

- 5. There are two instances where numbering is not sequential:
 - (a) In the description of activities authorised (Part D), subclause numbering contains a duplication. Paragraph xiii is repeated twice. The second occurrence should be renumbered sequentially (i.e. xiv).
 - (b) Condition 10.4: the subparagraph lettering duplicates “(b)” twice; the first should be “(a)” for sequential order.

Measurements

- 6. We have identified two conditions involving measurement which would benefit from some amendments for clarity:
 - (a) Condition 2.8: insert “mm” after “150” to align with the drafting of other intake screen conditions.
 - (b) Condition 3.2: insert “less” so that the phrase reads “not less than 60 litres per second”.

Typographical errors

7. We have identified some minor typographical errors which should be corrected:
 - (a) Condition 5.2: correct “Power Sation” to “Power Station” and “cubic meter” to “cubic metres”.
 - (b) Condition 12.4: there is a missing bracket in the reference to Condition 12.2(c)(iii).
 - (c) Appendix B includes typographical errors in the names of two waterbodies (“Ngatuahoa”, “Mangakerenorenga”). These should be corrected to align with the conditions.

Corrections for technical accuracy or operability

8. A small number of conditions appear to contain minor errors that, if not corrected, may create implementation issues:
 - (a) Condition 9.5 refers to an intake screen “to the Lloyd Mandeno Canal” within the Lake McLaren section. This appears to be an incorrect copy over from condition 4.8, as it is inconsistent with the surrounding drafting in the Lake McLaren section of the conditions. The words “Lloyd Mandeno Canal” should be replaced with “gated spillway”.
 - (b) Condition 9.9 refers to the “McLaren Falls Power Station Gated Channel Spillway” The words “Power Station” are inapt in this location and should be deleted so that it reads “McLaren Falls Gated Channel Spillway”.

- (c) Condition 14.3: for accuracy, the words in brackets should refer to “(both invertebrates and native fish).
- (d) Condition 16.1: we had intended that the consent term would be expressed as a date for certainty, and we suggest replacing the words “35 years from the date of grant” with “15 May 2061”.

Conclusion

- 9. The Applicant respectfully requests that the Expert Panel exercise its discretion to amend the conditions to correct the minor mistakes and defects identified above.
- 10. The requested amendments are limited to matters of drafting accuracy, internal consistency and workability, and will assist in ensuring that the conditions operate clearly and as intended.

DATED at Tauranga this 22nd day of May 2026

A handwritten signature in blue ink, appearing to read 'Vanessa Hamm', is shown above a horizontal line.

Vanessa Hamm / Bridget Bailey
Counsel for Manawa Energy Limited