

# FTAA - Waitaha Hydro Project: Proffered Conditions for Concession

## Introduction and Structure

The following proffered conditions (the “conditions”) are intended to cover all Fast-track Concessions ordinarily required for a lease, licence and easement granted under the Conservation Act to authorise the construction, operation and maintenance of the Waitaha Hydro Project (the “Project”).

The conditions proffered are structured as follows:

Part A: Includes a schedule of defined terms used throughout the conditions

Part B: Includes all standard concession conditions

Part C: Includes all special concession conditions

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## PART A: DEFINITIONS AND EXPLANATION OF TERMS

This table below defines the acronyms and terms used in the conditions.

Acronym/Term	Definition
<b>AMP</b>	Avifauna Management Plan
<b>Application</b>	The document titled “Westpower Limited Waitaha Hydro Project: An Application made under the Fast-track Approvals Act 2024” dated 8 August 2025, including all technical assessments and supporting reports.
<b>BMP</b>	Bat Management Plan
<b>Bulk Earthworks</b>	Large scale soil / rock disturbances associated with any Project Construction Works.
<b>CEMP</b>	Construction Environmental Management Plan
<b>Commencement of Construction</b>	The time when any Project Construction Work Component first starts (excluding any Pre-Construction activities that are authorised by separate concessions granted prior).
<b>Completion of Construction</b>	The time when the Waitaha Hydro Project has been built and commissioned and is available to generate electricity for customer supply.
<b>Commencement of Generation</b>	The date when the Project first transmits electricity onto the local network for customer supply.
<b>Consents</b>	Any resource consents granted under the Fast-track Approvals Act 2024 that would otherwise be granted under the RMA.
<b>Concessionaire</b>	Westpower Limited
<b>Concessions</b>	Any Concessions granted under the Fast-track Approvals Act 2024 that would otherwise be granted under the Conservation Act.
<b>Concession Activity</b>	Any activity associated with the construction, operation and maintenance of the Waitaha Hydro Project requiring a Concession
<b>Concession Area</b>	Area of the Project located on land administered by the Department of Conservation.
<b>Construction</b>	All Project construction activities occurring on Department of Conservation land excluding any Pre-Construction activities that are authorised by separate concessions granted prior.
<b>CNMP</b>	Construction Noise Management Plan.
<b>Consent Authorities</b>	Westland District Council and West Coast Regional Council.
<b>Construction Staging Areas</b>	Areas developed prior to or during Construction and used for plant and equipment laydown, construction contractor and staff offices and amenities, staff parking, helicopter landings and take-offs and other general construction-related activities. Construction Staging Areas within the Project Construction Site include: <ul style="list-style-type: none"> <li>• Construction Staging Area 1 (Headworks); and</li> <li>• Construction Staging Area 2 (Power Station Site)</li> </ul>
<b>CTMP</b>	Construction Traffic Management Plan
<b>DMP</b>	Dust Management Plan
<b>ESCP</b>	Erosion and Sediment Control Plan
<b>FEMP</b>	Freshwater Ecology Management Plan

Acronym/Term	Definition
<b>FlushMP</b>	Flushing Management Plan
<b>FMP</b>	Flight Management Plan
<b>FTAA</b>	Fast-track Approvals Act 2024
<b>Grantor</b>	The Department of Conservation
<b>Headworks</b>	The physical structures within the Scheme situated above Morgan Gorge comprising a low-profile weir and intake structure together with an access tunnel portal and access road.
<b>Liaison Officer</b>	Department of Conservation employee or external contractor who will act as a liaison contact between the Concessionaire and the Grantor during the term of construction of the Scheme.
<b>LizMP</b>	Lizard Management Plan
<b>LMP</b>	Landscape Management Plan
<b>McLean Farm</b>	Land within the Consent Area located north of, and adjacent to, the true right bank of Macgregor Creek described as Rural Section 933 and Rural Section 4047, Section 1-4 Survey Office Plan 11859 and Lot 2 Deposited Plan 376096, LOT 1 DP 339 LOT 2 DP 376096 SECS 1-4 SO 11859 RSEC 1 SO 481569 URAL SECS 933 4047 4023.
<b>Power Station</b>	The physical structures within the Scheme situated immediately adjacent to, and in the vicinity of, the Waitaha River and the lower end of the Tunnels generally comprising the: <ul style="list-style-type: none"> <li>• Power Station;</li> <li>• Tailbay;</li> <li>• Tailrace;</li> <li>• Switchyard; and</li> <li>• and all ancillary structures.</li> </ul>
<b>Power Station Site</b>	The area comprising the Power Station
<b>Power Station Access Road</b>	The vehicle access road between the southern end of the Waitaha Road Reserve and the Power Station Site.
<b>Pre-Construction activities</b>	Any activity associated with investigative drilling or geophysical investigations.
<b>Project</b>	Includes all physical resources and activities associated with constructing, operating and maintaining the Scheme and all ancillary structures and activities.
<b>Project Construction Site</b>	All Department of Conservation land required to be used for the construction of the Project.
<b>Project Construction Work Component</b>	Specified components or phases associated with constructing the Project (including all associated activities (excluding Enabling Works)). Project Construction Work Components include: <ul style="list-style-type: none"> <li>• Pre-Construction activities including investigative drilling;</li> <li>• Construction of new access road and transmission lines across and south of Macgregor Creek;</li> <li>• Streamworks;</li> <li>• Power Station Site and/or Tunnels including Construction Staging Area 2;</li> <li>• Headworks including Construction Staging Area 1; and</li> <li>• Rehabilitation works.</li> </ul>
<b>Scheme</b>	The Waitaha Hydro Scheme.

Acronym/Term	Definition
<b>SMP</b>	Stormwater Management Plan
<b>SOMP</b>	Site Operations and Maintenance Plan
<b>Streamworks</b>	All physical works undertaken within, and involving the disturbance of, any stream or riverbed excluding riverbed gravel extraction.
<b>Tunnels</b>	All physical structures associated with the water tunnel and the access tunnel included in the Scheme.
<b>Transmission Line</b>	The physical structures comprising the electricity transmission infrastructure between the Power Station Site and the existing Westpower Transmission Network on State Highway 6.
<b>WCRC</b>	West Coast Regional Council
<b>WDC</b>	Westland District Council
<b>Wildlife Permits</b>	Any Wildlife Permits granted under the Fast-track Approvals Act 2024 that would otherwise be granted under the Wildlife Act.

## **PART B: PROPOSED STANDARD CONCESSION CONDITIONS**

These will, for the most part, be as per DOC's standard conditions for leases, licences and easements. Any changes will be noted in track, with reasoning provided for the change.

## **PART C: PROPOSED SPECIAL CONCESSION CONDITIONS**

### **General**

1. The resource consent conditions, and the management plans, form a part of this concession where relevant.
2. The Concessionaire must undertake the Concession Activity in accordance with the relevant resource consent conditions and management plans as well as the specific conditions in this Part C.
3. When undertaking the Project Construction Work Components listed in the following table, the Concessionaire must, in accordance with the relevant conditions of the Consents, incorporated by reference to this Concession, implement the identified Management Plans.

<b>Project Construction Work Component</b>	<b>Management Plan</b>
Pre-Construction activities including investigative drilling - excluding any Pre-Construction activities authorised by separate concessions granted prior.	<ul style="list-style-type: none"><li>• Construction Environmental Management Plan</li><li>• Erosion and Sediment Control Plan</li><li>• Construction Traffic Management Plan</li><li>• Construction Noise Management Plan</li></ul>
Construction of new access road and transmission lines across and south of true left bank of Macgregor Creek.	<ul style="list-style-type: none"><li>• Construction Environmental Management Plan</li><li>• Flight Management Plan (if helicopters are used)</li><li>• Erosion and Sediment Control Plan</li><li>• Construction Noise Management Plan</li></ul>
Streamworks	<ul style="list-style-type: none"><li>• Construction Environmental Management Plan</li><li>• Erosion and Sediment Control Plan</li><li>• Construction Traffic Management Plan</li><li>• Flight Management Plan (if helicopters are used)</li><li>• Construction Noise Management Plan</li></ul>
Headworks including Construction Staging Area 1	<ul style="list-style-type: none"><li>• Construction Environmental Management Plan</li><li>• Erosion and Sediment Control Plan</li><li>• Construction Traffic Management Plan</li><li>• Construction Noise Management Plan</li><li>• Flight Management Plan (if helicopters are used)</li></ul>
Power Station Site and/or Tunnels including Construction Staging Area 2	

4. When undertaking the Project Construction Work Components listed in the following table, the Concessionaire must, in accordance with the relevant conditions of the Consents, incorporated by reference to this Concession, implement the Management Plans identified in the table (being the FINAL Management Plans included with the Application).

Project Construction Work Component	Pre-Construction Management Plan Requirements
Streamworks	<ul style="list-style-type: none"> <li>Freshwater Ecology Management Plan</li> </ul>
Construction of new access road and transmission lines across and south of Macgregor Creek.	<ul style="list-style-type: none"> <li>Freshwater Ecology Management Plan</li> <li>Vegetation Management Plan</li> <li>Avifauna Management Plan</li> <li>Bat Management Plan</li> <li>Lizard Management Plan</li> <li>Landscape Management Plan</li> </ul>
Headworks including Construction Staging Area 1	
Power Station Site and/or Tunnels including Construction Staging Area 2	
Rehabilitation Works	<ul style="list-style-type: none"> <li>Vegetation Management Plan</li> <li>Landscape Management Plan</li> </ul>

5. The Concessionaire must ensure that the Grantor has copies of:
  - a) all resource consent conditions and management plans; and
  - b) any reports or information required to be provided by those conditions and management plan, which are relevant to the concessions, for instance the public safety risk report.
6. The Concessionaire must consult with the Grantor on any proposed amendment to the resource consent conditions and/or a management plan. The Concessionaire must meet the costs of the Grantor in reviewing and providing feedback on the proposed amendments.
7. Should changes be made to the resource consent conditions and/or a management plan, the Concessionaire must provide the updated version(s) to the Grantor.

#### **Liaison Officer**

8. The Concessionaire must fund the agreed and reasonable costs of a Department of Conservation employee or external contractor who will act as a liaison contact between the Concessionaire and the Grantor during the term of construction of the Scheme. The exact role, brief of service and level of remuneration of the Liaison Officer will be agreed between the Concessionaire and the Grantor.
9. The role of the Liaison Officer includes:
  - a) meeting with the Concessionaire, including the primary contractor as required but at least 10 working days prior to Commencement of Construction.
  - b) meeting with the Concessionaire at appropriate intervals, and not less than every 6 months following Commencement of Construction.
  - c) reviewing annual Work Plans and other documentation submitted to the Grantor under this Concession or otherwise associated with the Concessionaire's activities and operations under this Concession, and making appropriate recommendations to the Grantor based on those documents;

- d) monitoring compliance by the Concessionaire with Management Plans required pursuant to this Concession and any other requirements of the Grantor; and
- 10. more specifically, monitoring compliance with rehabilitation plan requirements set out in the TFMP, monitoring and liaising over the success or otherwise of ongoing rehabilitation works and making recommendations to the Grantor regarding successful progressive and long-term restoration and rehabilitation of the Concession Area.
- 11. The appointment of the Liaison Officer will be by the Grantor following consultation with the Concessionaire, and the Liaison Officer will report to the Grantor.
- 12. The Liaison Officer will be a senior position, requiring a range of professional skills necessary for liaising effectively and autonomously with the Concessionaire, the Grantor, the West Coast Regional Council and Westland District Council, other external consultants, insurance companies and bondsmen. The Liaison Officer must have a strong proven performance in relationship management for large-scale developments in environmentally sensitive areas.
- 13. The Liaison Officer must be appointed by [x]. Pending such appointment the Grantor may, if considered necessary and desirable by the Grantor, appoint an interim liaison person at any time between the date of execution of this Concession and the commencement of this concession and such interim liaison person will carry out the role of the liaison officer as envisaged by Condition 9.

**Pre-commencement meeting – Project Construction Work Components**

- 14. Not less than 10 days prior to the anticipated commencement of any Project Construction Work Component, the Concessionaire must schedule and attend a pre-construction meeting on the Project Site with the Liaison Officer and the contractor(s) who will manage or undertake the works associated with the relevant Project Construction Work Component.
- 15. The following information must be made available at the pre-construction meeting by the Concessionaire:
  - a) Scheduling and staging of the works, including the proposed start date;
  - b) Relevant consent conditions;
  - c) Contact details for all relevant parties;
  - d) Site visit / inspection requirements;
  - e) A copy of the Final CEMP;
  - f) A copy of the Final ESCPs relevant to the Project Construction Work Component;
  - g) Copies of any other Management Plans relevant for the Project Construction Work Component or Components as set out in Conditions 3 and 4 of this Concession.

**Advice Note**

*The meeting is intended to ensure that all parties are aware of and familiar with the conditions of the Concession and all relevant Management Plans and may also include representatives from WDC and WCRC.*

## **Helicopter Access and Flight Management**

16. Aircraft access is permitted with authorised Aircraft Concessionaires only.

## **Annual Report**

17. By the end of September every year following the Commencement of Construction, the Concessionaire must prepare and provide to the Grantor an Annual Report that presents a summary of all monitoring and operational information relating to this Concession for the period between 1 July in the preceding year and 30 June of the year in question.
18. The Annual Report must contain at least the following:
  - a) A general description of construction activities and/or operations including any major maintenance and/or operational or compliance issues;
  - b) Within the first five years following the Commencement of Generation, a description of all restoration planting areas including monitoring and maintenance records as set out in the VMP;
  - c) Results of ongoing ecological monitoring undertaken in accordance with the FEMP along with a critical analysis of any trends identified, any recommended adaptive management responses along with any associated recommended amendments to the SOMP, Monitoring Plan and FEMP;
  - d) Results of any other monitoring undertaken in accordance with the Monitoring Plan in Condition 39 of the Concessionaire's resource consents, an assessment of the results, and if appropriate, recommendations to the Grantor;
  - e) Results of any other operational information required in accordance with the SOMP;
  - f) Details associated with any public complaints received and any associated corrective actions undertaken; and
  - g) Details of any future significant changes to the Scheme or its operations.