

CONSERVATION GENERAL POLICY 2005 (CGP)

The CGP provides guidance for the implementation of the Conservation Act 1987 and other conservation related legislation. Any Conservation Management Strategies and Plans prepared under the Act must be consistent with the CGP.

The CMS at *Objective 1 of Section 3.5 Authorised Uses of Public Conservation Lands* seeks:

To implement Conservation General Policy 2005 and General Policy for National Parks 2005 when considering applications for authorisations on public conservation lands and waters.

The CMS has been prepared in accordance with the CGP and it can therefore be considered that attendance to Objective and Policies in the CMS will also provide for the majority of Policies in the CGP. There are however some Policies in the CGP which remain relevant and are summarised and discussed below.

CGP Policy 1 Interpretation of Policies

CGP Policy 1 contains a number of parts (a-h) related to interpretation of provisions. Whilst all must be considered in considering any matter, a number are relevant with respect to the overlap of the CGP with a CMS in regard to the proposed activity.

- Policy 1 (a) *The policies in this General Policy will apply to all lands, waters and resources administered by the Department of Conservation, excluding national parks.*
- (c) *Each policy will be considered in conjunction with all other policies in this General Policy.*
- (d) *The words ‘will’, ‘should’ and ‘may’ have the following meanings:*
 - i ...
 - ii ...
 - iii. *Policies intended to allow flexibility in decision-making, state that a particular action or actions ‘may’ be undertaken.*
- (e) *Planned outcomes at places should be consistent with the intrinsic values of an area identified as a place in a conservation management strategy or plan.*
- (h) *Approved conservation management strategies and plans continue to have effect until they are amended or reviewed, except where they clearly derogate from General Policy.*

With respect to these matters;

- the proposed location of the scheme is not within a national park
- the proposal is to be considered holistically with respect to relevant policies
- it is clear from policy 11.3 that Utilities, including activities provided for through the proposed scheme ‘may’ be undertaken under certain circumstances.
- assessment of the matter includes the “Outcomes” of the ‘Hokitika Place’ with respect to the CMS
- whilst the “Outcomes” sought in the CMS are to 2020 there has been no amendment to the CMA and it is understood that a proposed review is at an early stage with no formal notification of a replacement CMS having occurred.

It is considered that the assessment of CGP and CMS in relation to Scheme and proposed concession, subject to the suggested conditions, is consistent with this Policy.

CGP Policy 2 Treaty of Waitangi Responsibilities

CGP Policy 2 contains a number of parts (a-j) related to how the Department provides for such matters when undertaking its activities. Whilst these matters are not specifically related to other parties, such as Westpower, matters related to Iwi relationships are discussed in the CMS review to follow. Westpower is working in partnership with Iwi in developing the scheme.

CGP Policy 4.1 Terrestrial and freshwater species, habitats and ecosystems

CGP Policy 4.1 contains a number of parts (a-i). Of relevance to the proposed application are parts;

- (c) *Restoration of habitats and ecosystems should use locally sourced indigenous species except where the presence of introduced species is required for the preservation of indigenous species or is consistent with the purposes for which the land is held.*
- (i) *The release of sports fish into waters in public conservation land should be authorised where:*
 - i. *sports fish of the same species are already present;*
 - ii. *release is consistent with the purposes for which the land is held;*
 - iii. *subject to the above criterion, the protection of the indigenous freshwater fisheries and their habitat is not adversely affected; and*
 - iv. *such releases are provided for in a sports fish management plan or, in its absence, an operational work plan approved by the Minister of Conservation.*

With respect to part (c) rehabilitation of sites will include redistribution of some vegetation removed as part of construction to ensure utilisation of local seed sources as far as is possible.

Part (i) is relevant in that assessments of aquatic ecology have shown that there are not trout or salmon above Morgan Gorge. It is therefore an important feature of the scheme to ensure the design of the weir does not enable migration of such fish species above the gorge.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

4.2 Biosecurity and management of threats to indigenous species, habitats and ecosystems

CGP Policy 4.2 contains a number of parts (a-g) related to the manner in which the Department will provide for and undertake activities related to these matters. Of relevance to the proposed application is;

- (c) *Biosecurity and pest management programmes should:*
 - i. *seek to maximise outcomes for the benefit of indigenous species, habitats and ecosystems;*
 - ii. *provide for either single or multiple species measures where required to protect specified places;*
 - iii. *take account of statutory pest management strategies; and*
 - iv. *be developed in collaboration with other relevant management agencies.*

These matters are considered in the following discussion related to the CMS. Westpower is proposing to ensure that management measures are in place with respect to weeds and pests. Based on the ecological assessments undertaken it is clear that there is little benefit in assisting with ecological management within the site through direct action (trapping). Accordingly, Westpower will, following consultation with DOC provide compensation funding to achieve wider ecological outcomes. Westpower has included proposals in this regard as part of the scheme development package, including relevant suggested approvals conditions.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

CGP Policy 4.5 - Geological features, Landforms and Landscapes.

Policy 4.5(b) states that:

Activities which reduce the intrinsic values of landscape, landform and geological features on public conservation lands and waters should be located and managed so that their adverse effects are avoided or otherwise minimised.

Of relevance to Policy 4.5(b) the term 'Intrinsic value' is defined in the CGP as:

A concept which regards the subject under consideration as having value or worth in its own right independent of any value placed on it by humans.

Westpower has undertaken an expert landscape assessment to understand the natural values of the area in which the Scheme is to be located. It is the conclusion of that assessment that the landscape within which the Scheme is located would be classified as an outstanding natural landscape (with the Morgan Gorge being considered a feature within this outstanding landscape). The report concludes that while there will be a moderate to high level of effects on natural character, landscape and visual amenity at the local level, due to the introduction of structures, the underlying values which make the landscape, and Morgan Gorge, outstanding will not be impacted such that this designation is lost. Ultimately it is concluded that the Scheme

is not inappropriate to the location and landscape within which it is located with respect to natural character, landscape and visual amenity.

The CMS, and Landscape Report, note the Waitaha Hot Springs at the outlet of Morgan Gorge. The Waitaha Hot Springs are listed, at Appendix 6 of the CMS, as a site of ‘Regional Scientific, Educational or Aesthetic Importance’ that can be “Moderately vulnerable to human modification”. These hot springs, as a geological feature, are outside the project footprint.

It is therefore considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

CGP Policy 4.6 - Ecosystem services

Policy 4.6(a) states:

Activities on public conservation lands and waters should be planned and managed in ways which avoid or otherwise minimise adverse effects on the quality of ecosystem services.

Westpower have undertaken a range of expert assessment and modelling to consider ecosystem matters. The outcomes of these various assessments have been factored in to the design, layout and suggested concession conditions in order to avoid, remedy or mitigate potential effects on ecosystems.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

CGP Policy 5 Historical and Cultural Heritage

CGP Policy 5 contains a number of parts (a-g) related to these matters. There are no known or identified historic or cultural heritage sites within the Scheme area. Westpower has been working closely with Iwi as partners to the proposed scheme and it has been agreed that a Cultural Impact Assessment is not required for completion and lodgement of the application. This does not mean that matters of importance to Tangata Whenua have not been considered and provided for through development of the application, including technical assessments and proposed mitigation measures.

Further discussion of related matters is provided for through the following assessment of provisions of the CMS.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

CGP Policy 8 - Natural Hazards

Policy 8(a) states:

Management for natural hazards on public conservation lands and waters:

- i. should be undertaken with minimal interference to natural processes, natural resources, and historical and cultural heritage;*
- ii. should be consistent with the purpose for which the land is held; and*
- iii. will include an assessment of the risks to people, places and property.*

Westpower has considered natural hazards in the design and layout of the Scheme (refer Project Overview Report).

The Alpine Fault runs through the area, to the north of the Scheme, and the siting of the Power Station has been finalised taking into account the location of the fault rupture zone. As set out in the AEE, Westpower have ensured that all of the Scheme’s main civil components, including the Headworks, tunnels and Power Station, are located on the eastern side of the main fault. This is important since it reduces the likelihood of a major shear through the Scheme which could result in uncontrolled release of water from the Scheme’s tunnel. The only Scheme structures on or traversing the Alpine Fault are the access road and transmission line – both of which are components that are relatively straightforward to repair if damaged is incurred from a

quake. Also, all civil structures will be designed to withstand high seismic loading and will continue to operate, even after a major earthquake. More specifically, the Scheme's structures will achieve a performance standard of Importance Level 4 (IL4) meaning the Ultimate Limit State (ULS) will not be exceeded a 1 in 2500-year event.

Regarding flooding hazards: these are addressed through the following design initiatives:

- The Headworks will be constructed with reinforced concrete structures able to endure loadings from anticipated flood flows and water levels, and withstand being struck by flood-borne debris and the possibility of rockfall; and
- All Headworks mechanical and electrical equipment will be designed to continue operating under water;
- The desander will also be able to operate when full with water; and
- The access tunnel design avoids flood waters from flowing through its entire length (which would create a significant health and safety issue), and instead it slopes upward from its Headwork portal to an underground high point located well above the 1 in 1,000-year Annual Exceedance Probability (AEP) flood level.

Overall, it is considered that the Scheme will be designed and operated to appropriately address risks associated with any anticipated seismic or flood event.

Westpower proposes to manage planned starting and stopping of the Scheme using appropriate ramping procedures to prevent a sudden increase in flow in the main stem of the river or, in the case of starting, increased flow from the tailrace. Procedures will also be put in place to manage situations which may result in the Scheme shutting down without notice, e.g. automatic emergency shutdowns. Effects of stops and starts on river flows will be dependent on the volume of water in the river and the volume diverted and will be closely monitored during commissioning and the initial operational period. The information gained from this monitoring will be used to check safety risks and conditions are proposed to enable review of ramping rates if required.

It is also proposed during construction of the Scheme to provide information to keep the public and users of the area informed of progress. To achieve this, Westpower's intention, as set out in the suggested conditions, is to provide information on its website with regard to:

- description of the type, timing sequence and location of construction activities;
- potential hazards (including in-river hazards) arising from construction activities, including advice on avoiding hazards and construction activities generally; and
- any effects on the flow regime.

Timing of proposed construction is required to be reasonably flexible to allow for works within the river when flows are at their lowest, and flood flows potentially less frequent. When constructed the weir will not prevent flood flows or the distribution of sediment down the river.

Various protection works are required in regard to waterways however these will not be out of character with those that may be found throughout the region, and will be designed to suit the purposes for which they are required. Works around Alpha Creek are designed to confine flood flows and debris within the channel and will not alter the frequency, volume of water or debris carried down the creek during flood flows.

Works are proposed to protect the Power Station from larger floods and the potential effect of this on the river and the opposite bank has been assessed by NIWA. It is considered in this regard that there will be minimal potential effects on bed and bank stability as a result of the proposed activities.

Accordingly whilst there will be some larger waterway protection works, i.e. Power Station and Alpha Creek, these will not change the processes occurring in those waterways to any more than a minor degree. Each waterway will still carry flood waters, sediment and debris and the pattern of flooding will not be altered to a more than minor degree.

The Scheme and concession, subject to the suggested conditions, is consistent with this Policy although Alpha Creek flood flow paths will be more defined than may naturally be the case.

CGP Policy 9.1 - Planning and management for people's benefit and enjoyment

Policy 9.1(a) states:

Recreational opportunities will be provided on public conservation lands and waters. Where provided, they should be consistent with the values of and outcomes planned for places.

As discussed above recreational opportunities are to be consistent with the values and "Outcomes" planned for Places. The Scheme is located in the 'Hokitika Place' which has been established through the implementation of the CMS. This is a relevant matter given the potential higher levels of effects highlighted in the Recreation Report, particularly in regard to kayaking opportunities. The report concludes that opportunities will remain for kayaking after the Scheme is developed, albeit in a changed environment in regard to the Morgan Gorge opportunity and the abstraction reach. The Recreation Report, in assessing potential effects on kayaking opportunities recognises the agreement between Westpower and WWNZ and notes that, " ... *White Water NZ has agreed with Westpower that based on mitigations and compensation that the adverse effects of the Scheme on paddle sports / whitewater recreation have been appropriately mitigated.*" The Recreation Report highlights the potential incompatibility between recreation management (backcountry-remote zone) on the one hand and a hydro-development on the other. Having said that the report goes on to conclude that the "Outcomes" set out in the CMS for the 'Hokitika Place' will still be achieved with the Scheme in place.

As discussed this matter is not so much related to an effect on the natural resource but to effects on other users of the natural resources and, in this case, whether there will be lost recreation opportunities as a result. These matters will be discussed further in relation to the provisions of the CMS.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

CGP 9.5 - The use of vehicles and other forms of transport

Policy 9.5(a) states:

The use of vehicles and any other forms of transport should be compatible with the statutory purposes for which the place is held, or be necessary to enable the Department to perform its functions.

Helicopters are an important component of the construction, and from time to time maintenance of the Scheme. Vehicles will also be required for construction and maintenance, and will involve an initial intense period of traffic movement which will reduce to low levels during operation. These matters will be discussed below in terms of the CMS, however it is noted that the CMS does provide for authorisation of aircraft and vehicular use of conservation land, subject to assessment on a case by case basis.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

9.6 Animals

Policy 9.6(a) states:

Animals (including pets) will not be permitted to be taken into public conservation lands and waters unless this is consistent with legislation and specifically provided for in conservation management strategies or plans.

Westpower, having successfully developed the Amethyst Hydro Scheme on conservation land, is aware of this requirement in regard to dogs. Relevant requirements prohibiting dogs being brought onto the site will be set out in the Construction and Environmental Management Plan (during construction) and the Site Operations and Maintenance Plan (during operation) noting that exclusions will be provided to allow use of dogs for monitoring purposes (i.e. blue duck monitoring).

For completeness, these matters are also discussed through the following assessment of provisions of the CMS as the same policy matter applies.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Policy.

CGP Policy 11 - Activities Requiring Specific Authorisation

Policies 11.1(a)-(d) deal with all activities requiring specific authorisation, including concessions. These policies state that activities:

- *will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan;*
- *should where relevant avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects;*
- *both the Department and concessionaires should monitor effects, including effects on public enjoyment, to inform future management decisions; and*
- *concessionaires are to be responsible for the safe conduct of their operations.*

These matters are all considered, and discussed, throughout this application. Having said that, and as discussed elsewhere, there are residual effects from the Scheme with regard to the effect on landscape and recreation matters through the development of structures which cannot be avoided, remedied or mitigated such that there will be no change to the local environment within which it is located. These potential effects do not automatically mean that the Scheme is inappropriate. It is not considered that the Scheme is contrary to the purpose for which the land is held, nor will the Scheme prevent the achievement of the desired “Outcomes” for the ‘Hokitika Place’.

The matters contained in Policies 11.1(a)-(d) are to be considered in conjunction with specific policies for specific activities identified in the CGP. The identified activities include Utilities.

CGP Policy 11.3 - Utilities

These matters will be discussed below in terms of the CMS, however it is noted that the CMS does provide for authorisation of Utilities, subject to assessment on a case by case basis.

Policy 11.3 states:

- (a) *Utilities may be provided for on public conservation lands and waters where they cannot be reasonably located outside public conservation lands and waters, or if specifically provided for as a purpose for which the place is held.*
- (b) *When new utilities are installed or existing utilities are maintained or extended, they should be of a scale, design and colour that relates to, and is integrated with, the landscape and seascape.*
- (c) *Public access to utilities may be denied where necessary for the protection of public safety or the security or competent operation of the activity concerned.*
- (d) *Utilities should, wherever possible, be located in, or added to, an existing structure or facility and use existing access options.*

- (e) *Utilities that are redundant should be removed from public conservation lands and waters and the site restored as far as practicable to a natural state to minimise effects on the landscape.*

The CGP provides the following definition for Utilities:

Includes but not limited to: structures and infrastructure for telecommunications; energy generation and transmission sewerage; water supply and flood control; oil and gas; roads and airstrips; hydrological and weather stations. (emphasis added)

Policy 11.3(a) reinforces the consideration required under Part 3B (Section 17(U)(4)(a)) of the Act, which states:

The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity:

(a) could reasonably be undertaken in another location that:

(i) is outside the conservation area to which the application relates; or

(ii) is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or....

It is clear from Conservation General Policy (CGP) Policy 11.3(a) that, utilities, including structures and infrastructure for energy generation and transmission, can be provided for on public conservation lands and waters where they cannot be reasonably located outside public lands and waters.

Details of the alternatives assessment are provided in section 3.2 of the AEE.

Notwithstanding, it is noted that this policy does not apply for decisions made under the FTAA. The relevant decision-making criteria in this instance is set out in section 7.2 of the AEE.

Overall, it is considered that the Scheme and concession, subject to the suggested conditions, is consistent with the CGP in regard to Utilities.

Conclusions in respect of Conservation General Policy

The CGP provides for Utilities to be established on conservation land and waters and, based on the definition of Utilities in the CGP the proposed scheme sits within this category of activities. Further the CGP requires an analysis of effects and design of Utilities with particular regard to landscape matters (11.3(b)).

The above assessment concludes that the Scheme and concession, including design, location and suggested conditions, is consistent with the CGP.

WEST COAST CONSERVATION MANAGEMENT STRATEGY 2010-2020 (CMS)

The CMS is an important matter in considering the application for concessions for the Scheme. This is for a number of reasons relating to:

- Clause 3 of Schedule 6 of the Fasttrack Approvals Act 2024 requires an application for a concession to include information on the relevant conservation management strategy and conservation management plan including any such documents that have been co-authored, authored, or approved by a Treaty settlement entity.
- Clause 7 of Schedule 6 also requires the panel when considering an application for a concession to take into account the relevant conservation management strategy and conservation management plan including any such documents that have been co-authored, authored, or approved by a Treaty settlement entity.¹

Conservation Management Plans

There are no conservation management plans relevant to this application.

Conservation General Policies (CGP)

The CMS has been prepared in accordance with the CGP and it can therefore be considered that attendance to Objective and Policies in the CMS will also provide for the majority of Policies in the CGP. There are however some Policies in the CGP which remain relevant and are summarised and discussed below as required and in the previous section – Conservation General Policies.

ASSESSMENT OF THE SCHEME'S CONSISTENCY WITH THE CMS

In assessing a concession application's consistency with the relevant conservation documents (including a CMS), a decision-maker must adopt a holistic approach. That is, consider a proposed project's consistency with the relevant provisions as a whole. The CMS at Section 1.1 advises that:

This conservation management strategy establishes objectives for the integrated management of natural and historic resources, including species managed under a number of different Acts, and for recreation, tourism and other conservation purposes in the West Coast Tai Poutini Conservancy. It is the key conservation management tool which the Department uses to implement legal, policy and strategic direction. Each conservation management strategy is prepared with public participation.

In achieving the management of natural and historic/cultural heritage resources and recreational and tourism opportunities within the Conservancy, over the 10 year period of the CMS, 7 land based Places and 1 marine 'Place' have been established. The CMS advises that the boundaries of these 'Places' have been chosen for practical management reasons. Each of the 'Places' set a range of conservation 'Outcomes' for the period (2010-2020). The 'Outcomes' are topic/issue based descriptions of the anticipated results of implementing the CMS, and associated Objectives and Policies. These "Outcomes" relate to:

Outcome in 2020	Section	Page
Geodiversity, Landforms and Landscapes	4.2.6.3	241
Indigenous Biodiversity	4.2.6.4	241
Human History	4.2.6.5	244
Historical and Cultural Heritage	4.2.6.5	244
Cultural values of significance to Poutini Ngai Tahu/Ngai Tahu	4.2.6.6	245
People's benefit and enjoyment	4.2.6.7	246

¹ It is noted that in accordance with clause 7(2) of Schedule 6 of the Fast-track Approvals Act 2024 the panel must take into account that while a application's inconsistency with a CMS would or may normally require a decision maker to decline an application for a concession under the Conservation Act 1987, under the Fasttrack Act, the panel must not treat the provisions as requiring the panel to decline the approval the panel is considering:

The Scheme is located within the ‘Hokitika Place’ (see Section 4.2.6 Desired Outcome for Hokitika Place, page 238, of the CMS).

Section 3 of the of the CMS sets out the Management Objectives and Policies which seek to achieve the ‘Outcomes’ for the Conservancy and the ‘Hokitika Place’. Section 3 is divided into 6 matters relevant to this application:

Matter	Section	Page
Nature Heritage Conservation	3.3	55
Historical and Cultural Heritage	3.4	96
Authorised Uses of Conservation Lands	3.5	111
Peoples Benefit and Enjoyment	3.6	113
Other Use of Public Conservation Lands Utilities	3.7.11	158
Other Management Responsibilities - Public Access	3.8.4	167

The Objectives and Policies from these sections, where relevant to this application, are discussed in the following paragraphs. This discussion includes, where appropriate, linkage to the “Outcomes” of the ‘Hokitika Place’.

1.4 Interpretation

- Policies**
1. *Each operative part of this CMS will be considered in conjunction with all other relevant sections of this CMS.*
 3. *All public conservation lands and waters will be managed in accordance with the legislation under which they are held and the relevant general policy. All operative parts of this CMS will be interpreted and applied in line with that legislation: the CMS cannot be considered in isolation from that legislation.*
 4. *In the event of doubt, the operative parts of the CMS will be interpreted in favour of the intrinsic values identified at specific Places (see Volume I, Part 4, Chapter 4.2).*
 6. ...
- The level of detail included under different management themes in Part 3 of this CMS varies, depending on factors such as:*
- *how much direction is already provided in the legislation or general policy;*
 - *whether the matter is best addressed at a national or another level;*
 - *whether the matter involves a statutory or management decision; and*
 - *the degree to which providing guidance is necessary to ensure that the objectives and outcomes identified in Part 3 and 4 of this CMS are achieved.*

2.0 CONTEXT

2.2 Overview of Conservation Values

2.2.1 The character and conservation significance of the West Coast Te Tai o Poutini

2.2.1.4 National conservation significance

Freshwater rivers

A preliminary national assessment undertaken by Chadderton *et al* (2004) attempted to identify the most natural and representative river systems that contain a reasonably comprehensive range of New Zealand’s freshwater ecosystems, communities and species, including threatened species, on the basis that these catchments contribute most to New Zealand’s remaining freshwater biodiversity. Better information may become available over the life of the CMS and will be considered accordingly.

Rivers in the West Coast *Tai Poutini* Conservancy whose entire catchments were classified as potentially nationally significant include: the Heaphy River, Karamea River, Mokihinui River, Buller *Kawatiri* River, Grey River headwaters, Maruia River, Ahaura River, Fox River, Hokitika River, Ōkārito River and Cockabulla Creek, Cook River, Karangarua River, Paringa River, Haast River (includes Landsborough River), Okuru River, Turnbull River, Waiaototo River, Arawhata River and Cascade River.

See also Chapter 3.3 Natural Heritage Conservation (particularly Sections 3.3.1.4, 3.3.1.5 and 3.3.3.3)
Part 4, Chapters 4.1 and 4.2 (see desired outcomes for freshwater ecosystems and specific rivers)

Recreational opportunities

The West Coast *Te Tai o Poutini* contains several of the highest and most rugged mountain ranges in the country, and many ‘wild’ valleys, including the Cascade, Arawhata, Waiaototo, Landsborough, Douglas, Cook and Karamea. These mountains are of cultural and spiritual significance to Poutini Ngāi Tahu. The network of huts, tracks and transalpine traverses maintained by the Department, plus the extent of wild and remote places, provide a wide scope for backcountry, remote experience and wilderness recreation, including coastal wilderness travel.

See also Chapter 3.6 Recreation and Tourism (particularly Section 3.6.1)
Part 4, Chapters 4.1 and 4.2 (see desired outcomes for recreation and tourism)

3.0 MANAGEMENT OBJECTIVES AND POLICIES

3.1 Working in Partnership with Tangata Whenua

Objectives and policies are not included in regard to these matters as they are generally in relation to how the Department works with, and recognises matters of importance to, Iwi.

Whilst it is understood that these provisions relate to activities and action undertaken by the Department, Westpower has also worked closely with Iwi, including as partners to the proposed scheme. This working relationship has been beneficial to the project and Iwi are supportive of the proposed scheme.

See also section 3.4 below for discussion of historic and cultural values.

3.3 NATURE HERITAGE CONSERVATION

3.3.2 Knowledge, Information Needs and Priority Setting Tools for Natural Heritage Work

3.3.2.3 Prioritising natural heritage work

Policy 1. *Natural heritage should be identified and its relative value assessed using standard criteria such as representativeness, viability, diversity, presence of threatened and/or taonga species and their habitat, intactness and natural landscape character.*

Whilst not a policy specific to considering the concession application this policy was used as a consistent basis for assessing the natural heritage values of a range of flora and fauna in the concession application area. The design of the scheme, and application, has involved thorough assessment and consideration of the values of the environment within which it is to be located. A range of reports and assessments have been undertaken and are appended to the application. The work undertaken in developing the application has also enhanced the knowledge of natural values in the Waitaha Valley and is likely to be of value to other DOC conservation management initiatives in the area.

It is considered that the comprehensive assessment of the environmental values and potential effects of the scheme is consistent with this Policy and assists with identification and management of conservation values and the achievement of desired outcomes, particularly those of the “Hokitika Place”.

This information also assists to achieve desired “Outcomes” for the West Coast Conservancy set at Section 4.1 of the CMS, namely:

- *Identification and assessment of conservation values in 2020, and*
- *Proactive management of conservation values in 2020*

3.3.3 Ecosystem Management

3.3.3.2 Maintenance and restoration of the indigenous natural character of ecosystems

- Objective** 1. *To maintain, and restore where practicable, the indigenous natural character of the full range of West Coast Te Tai o Poutini terrestrial, freshwater and marine ecosystems.*
- Policy** 1. *Management of threats to terrestrial and freshwater species, habitats and ecosystems across all public conservation lands on the West Coast Te Tai o Poutini should be prioritised, taking into account the need to:*
- a) prevent the loss of indigenous species and the full range of their habitats and ecosystems;*
 - b) maintain contiguous sequences of indigenous ecosystems (e.g. from mountains to sea);*
 - c) maintain representative examples of the full range of indigenous ecosystems;*
 - d) maintain populations of indigenous species, habitats and ecosystems with unique or distinctive values;*
 - e) achieve recovery of threatened indigenous species (including their genetic integrity and diversity) and restore their habitats where necessary;*
 - f) restore threatened indigenous ecosystems and connections between ecosystems where necessary;*
 - g) maintain the ecological integrity of indigenous ecosystems consistent with the purposes for which the land is held;*
 - h) protect recreational fresh water fisheries and freshwater fish habitats; and*
 - i) achieve integrated management at priority sites.*

With respect to *Policy 2. - Integrated management of priority sites*. There are no priority sites affected by this application.

In developing the Scheme, and concession application, Westpower have commissioned a range of expert assessments of indigenous flora and fauna i.e. vegetation, birds and bats, blue duck, lizard habitat, invertebrates, and aquatic ecology.

It is apparent from the reports that there are high natural values present within the application area, particularly in regard to indigenous fauna, and from an aquatic ecology perspective the particular values of the Stable Tributary for aquatic biodiversity. The Fish Report also highlighted the unusual situation where there are no trout above the Morgan Gorge.

Rather than solely relying on a range of; conditions, management plans and monitoring/mitigation programmes, these assessments have been used in considering the location and design of project and the construction and operational activities required. Where not incorporated in to the project design and layout the assessments have been used to suggest a range of conditions/mitigation measures in the application which, when implemented, will minimise potential effects in regard to these matters.

The presence of blue duck/whio in the Scheme area² has been subject to particular consideration to ensure the population is supported and potential effects are appropriately managed. Consideration has also been given to managing potential effects on long tailed bats and other birds of conservation importance. Contributions to ecosystem programmes are proposed, as a precautionary measure, to address potential residual effects and support avifauna and bats.

There are no priority sites affected by this application.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to indigenous biodiversity.

² In the Whio Report, ‘Scheme area’ in relation to blue ducks and their habitat is taken as the Waitaha River, its tributaries and riparian margins, and (where appropriate) the habitat of predators, from (and inclusive of) Kiwi Flat to below the Douglas Creek confluence.

It is therefore considered that the Scheme and concession, subject to the suggested conditions, is consistent with this Objective and Policy.

3.3.3.3 Management of freshwater fisheries

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| Objective | 1. <i>To prevent further extinctions of indigenous freshwater fish species and declines in species abundance and range.</i> |
| Policies | 1. <i>Existing and potential threats affecting indigenous fish populations, including barriers to migration (see Policies 2-4), habitat degradation and loss (see Section 3.3.1.5), introduction of pest species (see Policy 9 and Section 3.3.1.5), and interactions between exotic fish, including sports fish, and indigenous fish (see Policy 9) should be addressed.</i>

2. <i>The Department should safeguard fish migration through application of the Freshwater Fisheries Regulations 1983 fish passage provisions, advocacy through local authority planning processes, and monitoring.</i>

4. <i>Where of benefit to native fish species, the Department should advocate for the removal of barriers or the installation of fish passes that allow native fish to travel both upstream and downstream, and monitor the effectiveness of such fish passes.</i>

9. <i>Where feasible, the eradication or containment of non-indigenous species in freshwater habitats with high indigenous freshwater fishery values should be encouraged.</i> |

Freshwater ecology effects are considered and assessed in sections 6.5 – Water Quality and 6.14 – Freshwater Ecology of the AEE. It has been determined that effects from construction activities will be less than minor, and from operation of the scheme will be no more than minor.

Consideration of the potential effects of aquatic ecology has been a specific part of the development of the Scheme and consideration of potential effects. Assessments have been undertaken in regard fish, benthic ecology and in-stream habitat flow and have been used in the design and layout of the Scheme, the setting of a residual flow, and the development of a suite of suggested conditions to avoid, remedy or mitigate potential effects.

In undertaking these assessments it has become apparent that whilst koaro are found above Morgan Gorge there are no trout present above the Gorge. There are therefore two potential effects in regard to the Objective and Policies which require attention. These are the:

- potential for koaro passage into Kiwi Flat to be blocked by the weir;
- potential for low flows in the abstraction reach to enable trout to move above Morgan Gorge and in to Kiwi Flat.

It is recommended through the reports that the weir be designed to both enable koaro passage over the weir whilst at the same time preventing the passage of trout over the weir. Westpower has taken these recommendations into account and a freshwater ecology management plan is proposed to ensure these matters are appropriately provided for and related conditions proffered.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to indigenous biodiversity.

It is therefore considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Objective and Policies.

3.3.3.5 Threatened species management

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| Objectives | 1. <i>To prevent further extinctions or range contractions of indigenous species found on the West Coast Te Tai a Poutini.</i> |
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2. *To ensure, where practicable, that representative populations of all indigenous species have long term security in predominantly natural habitats within their natural range.*

Policy

3. *Work on threatened species should focus on preventing extinction and maintaining genetic diversity. Subsequent priorities should include progressively increasing the security, range and population size of species.*

Assessments undertaken in the development of the Scheme highlighted a range of species, both terrestrial and aquatic, with a range of conservation status. Examples include:

- nationally critical (long-tailed bat)
- nationally vulnerable (blue duck/whio)
- nationally vulnerable (lamprey)
- declining (koaro)
- not threatened (kereru/New Zealand pigeon, rifleman, brown creeper, western red weka)

Potential effects on Threatened Species are considered and assessed in the AEE;

- section 6.9 – Effects on Bats where it has been determined that effects from construction activities will be no more than minor and adverse effects, at a population level, are extremely unlikely. In terms of operation of the scheme it is considered that effects will be negligible.
- section 6.10 – Effects on Avifauna where it has been determined that effects from construction activities will be less than minor on birds and adverse effects, at a population level, are extremely unlikely. In terms of operation of the scheme it is considered that effects will be no more than minor. Overall the assessment concludes that impacts from the scheme are considered to be acceptable.
- section 6.11 – Effects on Powelliphanta Land Snails effects are considered and assessed as being nil.
- section 6.12 – Effects on Lizards from construction and operation are considered and assessed as being less than minor.
- Section 6.13 – Effects on Terrestrial Invertebrates from construction and operation are considered to be less than minor.

Aquatic ecology effects are discussed above and assessed at section 6.15 of the AEE. The Freshwater Ecology investigations and report highlighted the values of the ‘Stable Trib’ as a hotspot for fish, including lamprey.

This feature has been an important factor in the design and layout of the scheme with access and transmission lines being located taking into account the values of this tributary.

All assessments have recommended mitigation measures to minimise potential effects on threatened species. The reports conclude that the scale, design and suggested mitigation will ensure that avoidance or mitigation of effects will be achieved. Westpower have taken these matters into account through the development of the Scheme in terms of design, layout and location and a suggested suite of conditions and mitigation measures.

As discussed above specific expert assessment, the Whio Report, has been undertaken to ensure that effects on the local blue duck population are avoided, remedied or mitigated. A range of mitigation measures have been recommended and have been adopted in the suggested suite of conditions and the Avifauna Management Plan. As a precautionary measure, to address potential residual effects, Westpower proposes to contribute to ecosystem programmes to support the West Coast’s whio population either regionally or locally.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to indigenous biodiversity.

It is therefore considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Objectives and Policy.

3.3.3.6 Biosecurity and pest management

- Objective** 1. *To protect natural heritage values from the adverse effects of unwanted organisms, invasive weeds and animal pests.*
- Policy** 2. *Biosecurity and pest management programmes should give priority to:*
- a) undertaking surveillance at high-risk sites to allow early detection of new unwanted organisms; then*
 - b) preventing pests becoming established, including illegal and inadvertent transfers; then*
 - c) eradicating newly naturalised pests, where practicable; then*
 - d) eradicating, containing or reducing the range of unwanted organisms or pests that are established but not widespread, where practicable; and then*
 - e) controlling widespread pests where this is required to protect indigenous species, habitats and ecosystems, where eradication or containment of them is not practicable.*
3. *Public and resource user awareness of the adverse impacts of unwanted organisms on indigenous species and ecosystems, and of ways to avoid their introduction and spread, should be enhanced.*

Westpower, having successfully developed the Amethyst Hydro Scheme, is aware of the potential for particularly weeds to be spread during civil construction. Such issues were raised through a number of the expert ecological reports and suggested conditions, including the development of a weed monitoring and control plan as part of the Vegetation Management Plan, and conditions regarding didymo are included within the application.

Through the assessment of potential effects on fauna, particularly avifauna, it is apparent that existing predation is a major threat to populations within the Scheme area. Westpower's proposed compensation package is considered to more than address this.

Further, and in recognition of recent Government amendments made to the Wildlife Act, in addition to the suite of measures proposed to manage effects on fauna, including bats, Westpower is also offering contributions towards ecosystem programmes to support blue duck/whio, long tailed bats and other birds of conservation importance either regionally or locally.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired "Outcomes" for the 'Hokitika Place' with respect to indigenous biodiversity.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Objective and Policies.

3.3.3.7 Ecosystem services and economic benefits

- Objective** 1. *To protect the quality of life sustaining ecosystem services.*
- Policies** 2. *Research into ecosystem services provided by public conservation lands and waters will be supported, to better understand and quantify these services and their benefits.*

Westpower has recognised the need to maintain the life supporting capacity of ecosystems within the Scheme area, and to this end commissioned a range of terrestrial and aquatic reports. This was particularly important in considering and determining a residual flow in the abstraction reach of the Waitaha River. The residual flow of 3.5m³/s was set to ensure the life supporting capacity of the river in the abstraction reach was maintained.

From an aquatic ecology point of the view the assessments confirm that the Scheme, with the suggested mitigation in place will retain the life-supporting capacity of the freshwater ecosystems. Potential effects on the Stable Tributary, a biodiversity 'hotspot', were raised and measures taken to avoid (access road alignment)

and mitigate (sediment management). These matters are provided for in the layout of the scheme and suggested conditions accompanying this application.

In terms fauna, particularly avifauna, whilst there will be some recognisably different habitat present within the Scheme area, it is anticipated those habitats will have the capacity to sustain the populations in future. This assessment includes consideration of the compensation package proposed. In general effects on terrestrial ecosystems due to the development and operation of the Scheme will be low, given the scale, design and location of the proposal. This includes the proposed funding contributions discussed above under 3.3.3.6.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to indigenous biodiversity.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Objective and Policy.

3.3.4 Geodiversity and Landscapes

3.3.4.3 Management of geodiversity and landscapes

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| Objective | 1. <i>To protect geodiversity and landscapes from adverse effects of human use or management.</i> |
| Policies | 1. <i>The Department should seek to protect and preserve the natural character, integrity and values of landscapes, landforms, geological and soil features and processes in all aspects of conservation management.</i>

2. <i>Landscape assessments should be conducted on an as-needed basis, e.g. when considering proposals to develop utilities on public conservation land.</i> |

Consideration and assessment of these matters is provided in sections 6.18 – Landscape, Natural Character and Visual Effects of the AEE.

The development of the Scheme and application has included the commissioning, by Westpower, of an expert assessment of potential effects on natural character, landscape and visual amenity values. In assessing the values of the area it has been concluded in the report that the area within which the Scheme is to be located is considered to be of very high natural character and is within an outstanding natural landscape.

The Scheme is essentially comprised of two distinct areas i.e. the Power Station site and the Headworks, which are linked by the underground tunnels. The Landscape Report advises that of the two areas of the Scheme the Headworks site is the more sensitive location. This is because it is located at the entrance to the Morgan Gorge, within the backcountry-remote setting, and separated to a greater degree from the modified lower valley. It is concluded that careful design will avoid more significant effects, with further design continuing to mitigate larger construction and permanent effects. The minimisation of impacts on landscape and amenity has been a focus for Westpower and many of the mitigations sought through landscape assessments have been incorporated into the development of the scheme design and layout. A suite of conditions is included with this application which includes landscape management measures, and a Landscape Management Plan are proposed as part of the package of mitigations.

The CMS, and Landscape Report, note the Waitaha Hot Springs at the outlet of Morgan Gorge. The Waitaha Hot springs are listed, at Appendix 6 of the CMS, as a site of “*Regional Scientific, Educational or Aesthetic Importance*” that can be “*Moderately vulnerable to human modification*”. These hot springs, as a geological feature, are outside the Scheme footprint and will remain intact with the introduction of the Scheme.

Having discussed the matters above it is recognised through the AEE that there will be more than minor effects at both the local level and in some broader circumstances (ie. remoteness). Whilst there is a reduction in

some values it is important to note that there is not a loss of identified values and the area remains an outstanding landscape with the scheme in place

In conclusion the Landscape Report finds that;

- as a result of the iterative design process and the various mitigation measures proposed, the Scheme is enabled to sit well within its landscape and respond to its setting.
- the design of the Scheme acknowledges the outstanding landscape, natural character and visual amenity values that the Upper Waitaha Catchment holds by avoiding potentially significant effects to these.
- the Scheme is appropriate with respect to natural character, landscape and visual amenity, despite the fact that, at more local levels, the natural character, landscape and visual amenity effects are assessed as being more than minor. At a broader scale, the effects are, at worst, minor.
- The extent of the effects is localised, and the project will be carefully designed to avoid permanent significant effects.

Based on the Landscape Report conclusions it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to geodiversity and landscape.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Objective and Policies.

SECTION 3.4 HISTORICAL AND CULTURAL HERITAGE CONSERVATION

3.4.1 Historical and Cultural Heritage Values and Threats

- Objective** 1. *To gain a better understanding of historical and cultural heritage values and threats and establish priorities for protection and active management, and to enhance people’s appreciation.*

3.4.1.5 Understanding historical and cultural heritage values

- Policies** 7. *The New Zealand Archaeological Association database should be maintained and the Conservancy Protection Plan (including land inventories) updated on a regular basis. Information on historical and cultural heritage values should also be incorporated into other databases as applicable.*
10. *Where access arrangements authorise an activity in an area with historical and cultural heritage values, a requirement for archaeological surveys and collection of heritage information may be made.*

There are no known or identified historic or cultural heritage sites within the Scheme area. Westpower has been working closely with Iwi as partners to the proposed scheme and it has been agreed that a Cultural Impact Assessment is not required for completion and lodgement of the application. This does not mean that matters of importance to Tangata Whenua have not been considered and provided for through development of the application, including technical assessments and proposed mitigation measures.

It is important that the potential for accidental discovery of cultural or heritage items is provided for through any concession. The development and implementation of an accidental discovery protocol has been provided for through the suite of suggested conditions applying to both the concession and resource consents to ensure a consistent approach to such matters.

The CMS does highlight a range of “Taonga Species” (Section 3.1.3.6, page 44) which includes species identified within the expert terrestrial and aquatic assessments. Consideration of these and other potential cultural effects is provided in Section 6.3 of the Assessment of Environmental Effects (the AEE). The application includes a suite of suggested conditions which provides for the recommendations made in the various reports. The AEE concludes that, overall, the net change in cultural effect as a result of the Project is considered to be positive.

Based on the current information it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to human history, historic and cultural heritage, and cultural values of significance to Poutini Ngāi Tahu/Ngai Tahu.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Objective and Policies.

SECTION 3.5 AUTHORISED USES OF PUBLIC CONSERVATION LANDS

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| Objectives | <ol style="list-style-type: none">1. <i>To implement Conservation General Policy 2005 and General Policy for National Parks 2005 when considering applications for authorisations on public conservation lands and waters.</i>2. <i>To protect natural, historical and cultural heritage values from adverse effects of recreation, tourism or other uses.</i>3. <i>To protect recreational opportunities from adverse effects of authorized uses of public conservation lands.</i>4. <i>To protect places and other taonga of cultural significance to Poutini Ngai Tahu from adverse effects of authorised uses of public conservation lands.</i>5. <i>To consult, where necessary, with Papatipu Rūnanga, conservation boards, the West Coast Fish and Game Council, authorisation holders, communities and other people and organisations over the consideration and granting of concessions, access arrangements and other authorisations for use of public conservation lands.</i> |
| Policies | <ol style="list-style-type: none">1. <i>The cumulative effects of other authorities for use, issued in respect of a particular area or opportunity, should be taken into account when considering new applications for those areas or opportunities.</i>2. <i>When approving concessions or other authorisations, specific conditions may be applied as deemed appropriate.</i>3. <i>The Department should periodically monitor compliance with authorisation conditions.</i> |

The matters arising from these Objectives and Policies are essentially canvassed in the paragraphs above and below of this review of CMS Objectives and Policies. It is noted that the Conservation General Policies, CGP Policy 11.3, allow for Utilities such as those proposed in this application, to be located on conservation land and waters, subject to consideration of a range of matters which the CMS has been developed to provide for. It is considered having discussed and considered the various matters arising under this assessment of the proposal in terms of the CMS that the matters to be achieved in CGP Policy 11.3(a)-(e) are achieved, ie

- The scheme requires location on public conservation land and waters as that is where the resource is located. A range of locations options has been considered for the scheme, both on other waterways and on the Waitaha River and the current proposal is considered the best option, including for an effects point of view.
- The proposal is of a scale, design and colour that relates to, and is integrated with, the landscape within which it is located.
- Public access will only be limited where necessary for the protection of public safety or the security or competent operation of the scheme.
- There are no existing structures to which the scheme can be attached, and the existing walking track which will not be impacted by the scheme. The proposed access road from Morgan Gorge to the power station will be available for access once the scheme is in operation, although no new accessways are proposed overland to Kiwi Flat.
- The scheme, should it become redundant, can be removed and the site restored as far as practicable to a natural state to minimise effects on the landscape.

Policy 1 above refers to other authorised uses issued in respect of an area. It is apparent that there are concessions issued for helicopter flights up the Waitaha River. Whilst helicopter flights taking recreationalists upriver have declined over recent times there is potential for flights to occur. This concession would not prevent that from occurring.

In terms of policy 2 a range of conditions are proposed to ensure that potential effects are appropriately managed. And with respect to Policy 3 it is anticipated that there will be monitoring of conditions to ensure proposed outcomes are achieved.

Based on the assessment of the matters in this section, and overall, it is considered that the Scheme and concession, subject to the suggested conditions, is consistent with Objectives and Policies will not compromise the desired “Outcomes” for the ‘Hokitika Place’.

SECTION 3.6 PEOPLES BENEFIT AND ENJOYMENT

3.6.1 Recreational Opportunities

3.6.1.1 Provision and management of recreational opportunities

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| Objectives | <ol style="list-style-type: none">1. <i>To provide a comprehensive range of recreational opportunities that enable people with different capabilities and interests to enjoy and appreciate West Coast Te Tai o Poutini public conservation lands, whilst protecting natural, historical and cultural heritage from adverse impacts of recreational use.</i>2. <i>To avoid or minimise conflicts between different users, including people undertaking different types of activities in the same location.</i> |
| Policies | <ol style="list-style-type: none">1. <i>The Department’s recreational zoning framework should be used to identify and manage an appropriate range of recreational opportunities within the Conservancy’s public conservation lands and to minimise conflicts between different types of recreational uses.</i>2. <i>The Department’s recreational zoning framework and appropriate restrictions on mechanised access and use should be implemented in order to safeguard natural, historical and cultural heritage and the ability of the public to experience solitude, peace and natural quiet in public conservation lands.</i>3. <i>Recreation opportunities that are based on the special character and features of West Coast Te Tai o Poutini public conservation lands should be provided, taking into account existing opportunities available elsewhere in the country, both within and outside of public conservation lands.</i>4. <i>When assessing proposals for new activities or facilities, the extent to which those proposals complement existing recreational opportunities within or adjacent to public conservation land, and maintain the integrity of the recreational zone, should be taken into consideration.</i> |

The Scheme is located in the backcountry-remote zone, which is discussed in the next section. Recreation zoning is intended to achieve a range of recreation and tourism “Outcomes” with respect to identified ‘Places’ within the Conservancy. The Scheme is proposed to be located within the ‘Hokitika Place’ and while it is advised in the Recreation Report that a hydro-development, as such, is not compatible with the backcountry remote zone management category it is concluded that, “*the outcomes of the CMS for the Hokitika place will still be achieved with the Scheme in place*”.

Of relevance to the above Objectives and Policies the Recreation Report notes that the supply of particularly kayaking opportunities must be considered on the regional scale due to mobility of kayakers and their national and international origins. The report concludes that:

*At the regional level, the unmitigated adverse effect of the Scheme on West Coast recreation and tourism will be **low** due to the small scale of the Scheme, the high number of alternatives available for all activities affected by the Scheme and the relatively low level of use of the Kiwi Flat area.*

*The net effect on the West Coast kayaking scene is also likely to be **low**. This is due to the number of kayaking alternatives, the ability to retain the kayaking opportunity in the Morgan Gorge, and the relative low level of use of the Waitaha River, and far lower level of use of Morgan Gorge (although this is a normal characteristic of such extreme kayaking settings).*

.... There is a high level of choice for high-grade kayaking options on the West Coast, and the Waitaha contributes to a relatively abundant kayaking opportunity setting (and hence the significance of the region at the international level).

The West Coast will retain its international reputation as a challenging kayaking setting with the Scheme in place, and the Morgan Gorge (and the remainder of the River) will retain its ability to challenge highly-skilled kayakers, albeit with additional restrictions on its use due to the need to confer with an external entity (Westpower) if a cease to abstraction is required to provide a natural or preferred flow. However, this change from an uncontrolled river for kayaking may diminish a key quality which makes the Morgan Gorge and the Waitaha River internationally significant (albeit for a relatively small number of highly skilled kayakers).

Objective 1 and Policies 1 and 3 are aimed at management for a range of recreation opportunities both within the Conservancy and within zones, in this case the backcountry-remote zone. It is concluded in the Recreation Report that whilst there will be a change to the nature of the opportunity there will not be a loss of opportunity to kayak the Morgan Gorge. Even with that change there will not be a loss of a range of recreational opportunities both within the Conservancy, the backcountry-remote zone, or the Waitaha Valley and River as a result of the Scheme.

Policy 2 relates to the use of recreation zoning and restrictions on mechanised access and use to “*safeguard natural, historical and cultural heritage and the ability of the public to experience solitude, peace and natural quiet in public conservation lands*”. The discussion of zoning, aircraft and vehicles is undertaken in the following sections. In terms of solitude, peace and natural quiet it is accepted that for a temporary period there will be an increase in activity, numbers of people and noise as construction is undertaken. This will, in general, all be localised to the Scheme and construction footprint. Following construction the level of activity involved with operation of the Scheme drops considerably and personnel and overall noise levels are low.

Objective 2 seeks to avoid or minimise, “*conflicts between different users, including people undertaking different types of activities in the same location*”. It is clear from the Recreation Report that the introduction of hydro-development structures and managed flow at Morgan Gorge, and through the abstraction reach, changes the nature of kayaking opportunities. Whilst there may be a perceived effect outside the localised area of the Scheme, all land-based recreational activities will be able to continue and there will be no direct effects on kayaking opportunities above Kiwi Flat (including the Waitaha Gorge) and below the abstraction reach. There is a need for continued access for kayakers into the Morgan Gorge and to provide for the continued opportunity to kayak the Gorge, and there is the potential for a longer portage for the majority of kayakers who do not kayak the Gorge. These matters have been recognised by Westpower and agreement has been reached with WWNZ to a range of measures to ensure continued kayaking opportunities at the Gorge, these include:

- WWNZ’s involvement in the design of the headwork’s diversion weir;
- Provision of no less than four days per annum where Westpower will cease or reduce abstraction to allow a natural flow to support a continued opportunity to kayak the gorge;
- provision of information on the Westpower website in regard to river flow conditions and, during construction, matters related to;
 - description of the type, timing sequence and location of construction activities;

- potential hazards (including in-river hazards) arising from construction activities, including advice on avoiding hazards and construction activities generally; and
- any effects on the flow regime;
- relocation of the downstream end of the existing walking track to enable access around scheme infrastructure at the Power Station.

The Recreation Report, in assessing potential effects on kayaking opportunities recognises the agreement between WWNZ and notes that, “ ... *White Water NZ has agreed with Westpower that based on mitigations and compensation that the adverse effects of the Scheme on paddle sports / whitewater recreation have been appropriately mitigated.*”

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with Objectives and Policies.

Based on the assessment undertaken it is considered that the proposed scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to recreational opportunities.

3.6.1.4 Backcountry-Remote zone

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| Objectives | <ol style="list-style-type: none"> 1. <i>To provide access to a range of recreational opportunities via facilities that enable people to enjoy challenging natural settings in the backcountry</i> 2. <i>To enable people to access extensive natural settings where:</i> <ol style="list-style-type: none"> a) <i>facilities are provided but a considerable degree of physical challenge, self-reliance and isolation is involved;</i> b) <i>groups of recreational users are generally small and encounters with other groups are infrequent (except on a limited number of high-use tracks and rivers);</i> c) <i>huts and tracks provide the opportunity for solitude for those who seek a greater sense of isolation and challenge, but still need the security of some facilities; and</i> d) <i>overnight use is more intensive at some sites and at certain times of the year.</i> |
| Policies | <ol style="list-style-type: none"> 1. <i>The backcountry-remote zone should be managed to meet the desired outcomes described in Part 4 of this CMS and in any relevant management plans, providing facilities and services that cater principally for the needs, interests and abilities of most backcountry comfort seekers and backcountry adventurers.</i> 7. <i>Regular aircraft landings (a definition of this term is provided in Section 3.6.4.2) may be authorised. The number and frequency of landings should be considered on a case-by-case basis.</i> 8. <i>Irregular and occasional aircraft landings (definitions of these terms are provided in Section 3.6.4.2) may be authorised. Each operator may undertake no more than 2 landings per day, and no more than 20 per annum, at a given location within the backcountry-remote zone.</i> 10. <i>Where practicable, the aircraft landing sites available to each concessionaire will be specified in concession conditions.</i> |

The CMS utilises a zoning system to identify and manage a range of recreation opportunities, in the case of this application the zoning is “backcountry-remote”. The CMS advises at Section 3.6.1.1, page 114, that, “*The zoning system identifies broad recreation outcomes at Places, by describing where the major recreational facilities and services are and thereby identifying the areas that will remain free of high levels of public use because of a lack of, or lower grade, facilities. Detailed descriptions of recreation outcomes for specific locations within each Place are provided in Part 4, Chapter 4.2, under the subheading ‘Recreation and tourism in 2020’.*”

In regard to the backcountry-remote zone the Recreation Report concludes that a hydro-development is not compatible with this recreation management category. This is because the backcountry-remote zone is a recreation management mechanism and is not intended to relate to other types of activity. Ultimately the Recreation Report concludes that the “Outcomes” set for the ‘Hokitika Place’ will still be achieved with the Scheme in place.

The question is whether the Scheme will prevent the achievement of the Objectives of this zone i.e. to provide access to a range of recreational opportunities and to enable people to access extensive natural settings.

Higher levels of effect were raised by the Recreation Report with actual physical effects being localised to the lower end of Kiwi Flat and through the abstraction reach, in terms of structures and flow regime. There is the potential for there to be a change in the perception of the area for some users but this will depend on the individual as to what impact that might have.

The Recreation Report concludes that,

Restrictions on the ability to carry out existing recreation activities in the Waitaha Valley (the recreation opportunity) are limited to white water kayaking. Restrictions include effects on those highly experienced kayakers paddling the Morgan Gorge, and on all kayakers on the river who portage the Gorge but use the river below it to complete their journey. ...

Mitigation opportunities are available to reduce the scale of effects on kayaking (ceases to abstraction or the delivery of a preferred flow (potentially using the by-pass valve and flow control system), kayak access over or around the weir, regional compensation), but the net effect on kayaking opportunity in the abstraction reach would potentially be high. However, White Water NZ has agreed with Westpower that considering an agreed number of no-take days for kayaking, financial compensation and other Scheme components, that WWNZ is content that the adverse effects of the Scheme on paddle sports / whitewater recreation have been appropriately mitigated.

*The net effect on the West Coast kayaking scene is likely to be **low** with mitigations in place.*

*If there are no changes to access levels in the Upper Valley, the tramping, canyoning and hunting experiences will remain ‘hard won’, but would be diminished by Scheme infrastructure and periodic maintenance at Kiwi Flat. Within the abstraction reach and at Kiwi Flat, the change to the backcountry-remote characteristics of the setting (the recreation values) due to the placement of structures will be **high** after mitigation (as it imposes a fundamental change) – more so at Morgan Gorge and Kiwi Flat where the weir structures are visible and visitors have the potential to be affected by maintenance activities. For the rest of the Upper Waitaha Valley, the effect on the values will be **low – moderate** (and nil for those who solely traverse the top of the catchment).*

...

*As mentioned above, at the regional level, the scale of effect on recreation values is likely to be **low**, but effects within the Morgan Gorge / Kiwi Flat area of the Upper Valley will remain **high**, as most visitors to the Valley remain at Kiwi Flat or pass through it. This is a rather binary assessment considering the fundamental qualities of a defined backcountry-remote recreation setting. Further up the Upper Waitaha Valley the effects on values reduce to low-moderate (to nil for those who solely traverse the top of the catchment).*

*There are **no** effects of note on angling or jet boating.*

These potential effects have been considered by Westpower and, based on the recommendation of the Recreation Report, a range of mitigation measures (discussed in the previous section) have been adopted and included in this application as suggested conditions. The intent of these conditions is to retain an opportunity, albeit of a changed nature, to kayak the Morgan Gorge and improve the portage for the majority who do not seek to kayak the Gorge. Westpower has worked with White Water New Zealand to reach an acceptable outcome in terms of kayaking opportunities through the Morgan Gorge. As discussed above the Recreation

Report notes that “... *White Water NZ has agreed with Westpower that based on mitigations and compensation that the adverse effects of the Scheme on paddle sports / whitewater recreation have been appropriately mitigated.*

In considering whether the above Objectives have been achieved it is required that the backcountry-remote zone be managed to meet the desired “Outcomes” for the Conservancy and relevant ‘Place, in this case the ‘Hokitika Place’. Based on potential effects of the Scheme it is noted, with particular reference to kayaking, that the ‘Hokitika Place’ seeks as an “Outcome” that,

Hokitika is a world-renowned rafting and whitewater kayaking destination. The Styx, Toaroha and Kakapotahi rivers and Totara Lagoon are maintained as key places for kayaking that are free from high numbers of other users during kayaking trips (see Section 3.6.4.10).

In terms of this “Outcome” it is noted that the Toaroha and Kakapotahi rivers were both on an initial list of rivers considered for hydro-development by Westpower and were excluded for, amongst others, reasons related to potential effects on recreational opportunities.

In regard to the supply of kayaking opportunities the Recreation Report advises that the use of a ‘Place’ does not provide an adequate scale of assessment for the supply of some recreation opportunities. The supply of these opportunities must be considered at a regional scale due to mobility of kayakers and their national and international origins, as discussed in the previous section (3.6.1.1) with the conclusion of the Recreation Report being that,

*“At the regional level, the unmitigated adverse effect of the Scheme on West Coast recreation and tourism will be **low** due to the small scale of the Scheme, the high number of alternatives available for all activities affected by the Scheme and the relatively low level of use of the Kiwi Flat area.*

*The net effect on the West Coast kayaking scene is also likely to be **low**. This is due to the number of kayaking alternatives, the ability to retain the kayaking opportunity in the Morgan Gorge, and the relative low level of use of the Waitaha River, and far lower level of use of Morgan Gorge (although this is a normal characteristic of such extreme kayaking settings).”*

Matters relating to helicopter flights are discussed below and are in accord with these Policies.

It is recognised that the Recreation Report concludes that a hydro-development is not directly compatible with the backcountry-remote zone recreation management category. This is due to the introduction of development structures into a predominantly unmodified (besides for recreation) backcountry-remote recreation setting, and flow effects along the abstraction reach. However,

- all land-based recreational activities in the Waitaha Valley will be able to continue with generally only indirect effects outside the immediate vicinity of the scheme infrastructure;
- kayaking options in the River above Kiwi Flat (including the Waitaha Gorge) will have no direct adverse effects from the Scheme;
- the Morgan Gorge, and the remainder of the river, will retain its ability to challenge highly skilled kayakers (albeit with additional restrictions in the abstraction reach);
- the West Coast will retain its international reputation as a challenging kayaking setting with the Scheme in place;
- the “Outcomes” of the ‘Hokitika Place’ will still be achieved with the Scheme in place; and
- the effect of the Scheme on West Coast recreation and tourism generally will be very slight due to the high number of alternatives available for all activities affected by the scheme and the relatively low level of use of the Kiwi Flat area.

Therefore whilst there will be localised effects (very high) and for some a change in perception of the river as a whole (moderate to nil), it is considered that there will remain a range of recreational opportunities in natural

settings in the backcountry-remote zone and there will be no loss of ability for people to access natural settings within the zone as envisioned in the “Outcomes” for the ‘Hokitika Place’.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with Objectives and Policies.

3.6.4 Recreation and Tourism Activities

3.6.4.1 Overview

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| Objective | 1. | <i>To provide opportunities for people to undertake a wide range of recreation and tourism activities at places and in ways that optimise the quality of the experiences available, whilst avoiding or otherwise minimising adverse effects on conservation values and conflicts with other users.</i> |
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3.6.4.2 Aircraft

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| Policies | 1. | <p><i>Aircraft may be authorised to land within public conservation lands where this:</i></p> <ul style="list-style-type: none"> <i>a) is necessary for the Department to perform its functions; or</i> <i>b) facilitates access for emergency or search and rescue purposes; or</i> <i>c) is compatible with the statutory purposes for which the place is held and consistent with any relevant national park management plan; and</i> <i>d) is consistent with the objectives and policies for the relevant recreational zone/s (see Sections 3.6.1.2 to 3.6.1.6); and</i> <i>e) does not compromise the desired outcomes for Places (see Part 4, Chapter 4.2).</i> <p><i>Clauses (c)-(e) apply to applications for aircraft landings associated with recreation and tourism purposes (e.g. scenic flights, recreational access to the backcountry, private landings) and non- recreational purposes (e.g. wild animal recovery operations, provision and servicing of utilities, mining, management of the pounamu resource, filming and other commercial activities).</i></p> |
| | 2. | <p><i>Aircraft landing sites on West Coast Te Tai O Poutini public conservation lands will be assigned to one of the following four categories, depending on which recreational zone the site is located in and the legal status of the site:</i></p> <p><i>Excluded: Aircraft landings should be excluded except for conservation management purposes, emergencies or search and rescue purposes.</i></p> <p><i>Regular: Regular landings are defined as occurring when a concessionaire undertakes 3 or more landings per day and/or 21 or more landings per annum, at specific sites. Regular landings may only be authorized within the backcountry-remote zone and may occur all-year-round or on a seasonal basis. Numbers and frequencies of landings should be considered on a case-by-case basis.</i></p> <p><i>Irregular: Irregular landings are defined as no more than 2 landings per day, and no more than 20 per annum, at a given location. Landings may be authorised for the purposes of transportation of personnel and/or equipment to or from a variety of possible locations within the remote or backcountry-remote zones, or at frontcountry sites. This provides for landings for air charter purposes, but does not include regular landings at specific sites or scenic snow landings.</i></p> <p><i>Occasional: ‘One-off’ permits for landings may be granted for specific purposes (short-term, one-off events such as filming, management of utilities) at specific sites within the remote or backcountry-remote zones, or at frontcountry sites.</i></p> |

6. *Regular aircraft landings should be restricted to specified landing sites, where practicable.*

This policy does allow for the authorisation of helicopter landings within the Stewardship Area. Helicopter flights taking recreational users up the Waitaha River have in the past been a feature of recreational use of the area, particularly kayaking, although it is noted that that has declined over recent times.

During the construction period for the Scheme 2 - 4 flights (8 movements) on average per day may occur when conditions are suitable for flying. However more intense helicopter movement between the Construction Staging Areas 2 and 3 and the Headworks site may occur for a number of days, although not all on consecutive days, during certain activities such as concrete pouring. Once the access tunnel is completed to the Headworks site it is proposed that concrete trucks will be used through the tunnel rather than helicopter sites. As an example at the Amethyst site, which is also on Stewardship Land administered by DOC, there were up to 15 days of intense helicopter activity where, on the busiest days, there were approximately 100 trips using 2 helicopters. Following construction there will be the intermittent use of helicopters for maintenance and inspection purposes and, although this may include brief periods of reasonably intense activity dependent on maintenance requirements, it will be much less than for construction activities.

Potential effects from helicopter flights has been raised and considered, in the Whio Report, in regard to blue duck/whio and potential mitigation measures are suggested in the suite of conditions for helicopter flight management accompanying this application.

The use of helicopters would not therefore be incompatible with the purpose of the area, or the Objectives and Policies (particularly Policy 7) of the backcountry-remote zone regarding regular aircraft landings. It is noted that Policy 2 provides for regular landings (i.e. 3 or more landings per day and/or 21 or more landings per annum) to be considered on a case by case basis. Regular landings may only be authorised in the backcountry-remote zone, and will be considered on a case by case basis.

The location of flights and landing areas has been provided for through the application and suggested conditions.

The proposed use of helicopters would also not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to peoples benefit and enjoyment.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this policy.

3.6.4.3 Animals

- Policies** **1.** *Dogs, horses and other pack animals should only be taken into West Coast Te Tai a Poutini public conservation lands and waters where consistent with legislation and where adverse effects such as (but not limited to) damage to indigenous flora or fauna, spread of weeds, damage to recreational facilities and conflicts with other recreational users, are avoided, remedied or mitigated.*

Westpower, having successfully developed the Amethyst Hydro Scheme on conservation land, is aware of this requirement in regard to dogs. Relevant requirements prohibiting dogs being brought onto the site will be set out in the Construction and Environmental Management Plan (during construction) and the Site Operations and Maintenance Plan (during operation) noting that exclusions will be provided to allow use of dogs for monitoring purposes (i.e. blue duck monitoring).

Based on the suggested conditions it is considered that the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’ with respect to indigenous biodiversity.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this policy.

3.6.4.17 Vehicle use

- Policies** **11.** *In some circumstances, authorisation may be granted for the use of motorised vehicles on public conservation lands where roads have not previously been formed (e.g. research, search and rescue, emergency works). In the case of national parks, this may only occur if specifically provided for in the national park management plan. Assessment will be undertaken on a case-by-case basis and conditions on use may be imposed.*

This policy allows for authorisation of the use of vehicles required for the Scheme. It is noted that vehicle use will be relatively heavy during the construction of the Scheme and greatly reduced through operation, with the exception of maintenance from time to time when movements may increase to some degree dependent on the nature of work required. The majority of vehicle use is limited to the access road up to the Power Station Site. There will be traffic movements at the Morgan Gorge intake area during construction, once the access tunnel is completed, however this will reduce the reliance on/use of helicopters. It may be that an excavator is stored within the access tunnel for use in maintenance of the weir and intake, however this use will be on an as needed and intermittent basis.

The use of vehicles in relation to the Scheme will not compromise the desired “Outcomes” for the ‘Hokitika Place’.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with this policy.

SECTION 3.7 OTHER USE OF PUBLIC CONSERVATION LANDS

3.7.2 Activities on or in Beds of Rivers or Lakes

- Policies** **1.** *When assessing applications for any activity on or in the bed of a river or lake, consideration should be given to (but not limited to) the following guidelines:*
- a) Adverse effects on freshwater and terrestrial species, habitats and ecosystems, historical and cultural heritage values, public access, recreation opportunities and amenity values should be avoided or otherwise minimised;*
 - b) Riparian vegetation should be maintained or enhanced;*
 - c) Activities should not damage riverbanks;*
 - d) No pests, weeds or other unwanted organisms (e.g. Didymo) should be likely to be introduced to, or become established within, the area as a result of the activity; and*
 - e) The natural character within the setting of the activity should be maintained.*
- 2.** *Biological communities, physical habitat, channel profiles and substrate may be monitored, in order to evaluate and manage the long term impacts of activities occurring on or in the beds of rivers or lakes.*

A range of expert reports have been developed by Westpower as part of the design of the Scheme. These reports have assessed the potential effects in regard to the matters set out in Policy 1, as discussed in the paragraphs above. In general, from a biodiversity point of view, effects of the Scheme ranged from nil to no more than minor, provided that certain mitigation and compensation measures were undertaken. Based on the reports Westpower is proposing a suite of suggested conditions, including management plans and ecological protection.

Higher levels of effects were raised in terms of landscape and recreation matters with actual physical effects being localised to the lower end of Kiwi Flat and through the abstraction reach. There is the potential for a high level of effect due to a change in the perception of the area, and river, for some users but this will depend on the individual as to what level of effect that might be. Generally, the higher levels of effects relate to the introduction of built development into the environment and, additionally, from a recreational perspective the change to a managed regime in the abstraction reach for kayaking activities. Having said that, with regard to

retention of kayaking opportunities through the Morgan Gorge, agreement has been reached with White Water New Zealand to establish appropriate parameters.

Ultimately, and taking into account recommended mitigation measures, the Landscape Report concludes that the Scheme sits well within its landscape and responds to its setting. Whilst there will be moderate to high effects on natural character, landscape and visual amenity at a local level the Scheme is considered to be appropriate with respect to these matters.

There will likewise be a higher level of effect on some aspects of recreational use, in particular this relates to kayakers seeking to use Morgan Gorge and the abstraction reach. This is due to both the introduction of structures and a controlled flow in the abstraction reach. It is concluded through the Recreation Report that these matters do not preclude the opportunity to kayak the Morgan Gorge with the Scheme in place, rather that consultation would be required with Westpower to cease flows to provide for that to occur. An agreement has been reached with WWNZ regarding kayaking opportunities through Morgan Gorge with the scheme in place. The portage for those not seeking to kayak the Morgan Gorge, which is understood to be the majority of kayakers on the river, will potentially be longer taking into account the abstraction reach. Westpower has taken these matters on board in developing the Scheme and application and a suggested suite of conditions is included with respect to:

- design of the scheme to retain kayaking access into the gorge;
- consultation and agreement with WWNZ for a regime for ceases to abstraction to allow a natural flow to support a continued opportunity to kayak the gorge; and
- provision of information on the Westpower website in regard to river flow conditions and other matters;

The potential effect of works in riparian margins has been an important component in design, layout and assessment of the Scheme. It is inevitable that there is a degree of riparian modification given that the Scheme revolves around access to water for hydro generation purposes. Riparian modification has been kept to the minimum required through designing the Scheme, as far as is practicable, so that works in and around margins are aligned to cross the margin rather than run for larger distances along them. The Stable Tributary was identified as a biodiversity 'hotspot' where special care was needed in terms of riparian issues. The decision was made by Westpower to avoid a crossing of this waterway, and minimum setback limits have been set out in the Freshwater Ecology Management Plan accompanying this application to ensure that a suitable riparian margin is retained along the Stable Tributary. It has generally been concluded in the reports that there will be minimal effect on the Waitaha River from the work required in the riparian margin given the size and width of the river.

Potential bank and riverbed stability issues have been considered by NIWA, in terms of the establishment and operation of the Scheme and the development of the Power Station Site. NIWA has concluded that there will be minimal potential effects on bank and bed stability in regard to these matters.

Pest plant matters have been an integral component of development of the Scheme, and assessment, and a suite of conditions (including matters related to Didymo) are included with this application. This includes the development of a weed monitoring and control plan as part of the Vegetation Management Plan.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired "Outcomes" for the 'Hokitika Place'.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with these Policies.

3.7.9 Research, Collection and Wildlife Act Permits

- Objectives**
1. *To protect the indigenous flora and fauna on the West Coast Te Tai o Poutini in accordance with Section 3 of the Wildlife Act 1953.*

2. *To ensure that wildlife located on lands and waters of all tenures within the West Coast Te Tai o Poutini is absolutely protected, in accordance with Section 3 of the Wildlife Act 1953.*
3. *To protect and enhance the populations and habitats of wildlife located in the West Coast Tai Poutini Conservancy's wildlife sanctuaries, wildlife refuges and wildlife management reserves.*

Policies

2. *Activities requiring authorisation in the form of a research, collection and Wildlife Act permit should not have adverse effects on conservation values or recreational opportunities, or introduce threats (e.g. pose a biosecurity risk or result in weed dispersal).*
3. *Research in public conservation lands and on any indigenous species, regardless of land or water tenure, should seek to better support conservation management.*

The need to manage potential effects on the flora and fauna of the area has been a significant aspect of the design and layout of the proposed scheme and environmental management measures.

Westpower, through the application, is seeking approvals under the Wildlife Act and it is therefore relevant to consider the proposal in light of these objectives and policies. It is considered that the Scheme is consistent with the purpose of the Wildlife Act, on the basis that:

- adverse effects from the Scheme on protected wildlife at a population level are extremely unlikely;
- lizard salvage and relocation, and gentle persuasion of whio / blue duck, provide protective benefits to the lizards and whio / blue duck; and
- any incidental harm to or death of protected wildlife (ie if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions in the approval) from the Scheme would meet the tests articulated in sections 53B and 53C of the Wildlife Act, and therefore is considered to be consistent with the protective purpose of the Wildlife Act.

The FTAA process has been a factor in reaching these conclusions, including that;

- the policy intent under the FTAA is that decisions do not need to be "consistent with" the wildlife protection purpose of the Wildlife Act; and
- the Panel must give the greatest weight to the purpose of the FTAA and facilitate the delivery of the Scheme and achieve its significant regional and national benefits.

With respect to the objectives and policies, and taking these matters in to account matters regarding Wildlife Act permits,

- objectives 1 and 2 are met as wildlife is protected through the design, layout and management measures proposed;
- objective 3 is not relevant (as there is no wildlife sanctuary, refuge or management reserve in the Scheme area);
- policy 2 is met as the approval to salvage and translocate lizards, gently persuade whio away from blasting/helicopter use areas, and incidentally harm or kill wildlife does not have adversely affect conservation value, recreational opportunity or introduce threats. Additional matters relating to conservation values are discussed elsewhere in this review of relevant CMS provisions; and

Policy 3 is a broader matter than any Wildlife permit requirements. The development of the application has involved considerable research has occurred in assessing potential effects of the proposed scheme which can assist with a better understanding of the values of the area, and consequently enabling better conservation management of those values.

Based on the conclusions of the expert assessments it is considered that the Scheme will not compromise the desired "Outcomes" for the 'Hokitika Place'.

It is considered that the Scheme and concession, subject to the suggested conditions, is consistent with these Objectives and Policies.

3.7.11 Utilities

- Policies**
1. *Allowance for the ‘public good’ nature of non-commercial utilities (e.g. flood warning systems and remote weather stations) may be made when considering concession applications and setting rentals.*
 3. *The development, installation, maintenance and management of utilities on public conservation lands should be consistent with the desired outcome for the relevant place/s (see Chapter 4.2).*

Utilities are defined in the CMS and, whilst not limited to, includes amongst others structures and infrastructure for electricity generation and transmission. Taking in to account other schemes approved on land management by the Department it is clear that schemes can be, and are, allowed to occur. It is noted that there is a public good in the local community seeking to develop and access a renewable energy resource, this is both at the local level in terms of the use of renewable energy and strengthening the resilience and self sufficiency of the community. Consideration of these potential benefits of the additional generation and supply of renewable energy is provided in Section 6.3.2 of the Assessment of Environmental Effects (the AEE) and includes;

- Assists in meeting national increases in forecasted electricity demand, which Transpower recently estimates will see an additional 926 MWs of new generation needed across New Zealand by 2030 and help meet local and regional increases in demand, which Westpower estimates will increase the peak demand on their network by 55% over the next 10 years. These forecasted demand increases are mainly due to decarbonisation and electrification efforts;
- Reduces transmission line losses;
- Lowers cost for electricity generation and supply;
- Increases resilience for the Westpower Electricity Supply Network by providing some protection against situations when no or restricted external transmission capacity into the Region is available. In turn, this reduces exposure of risk and cost to regional consumers during these times;
- Provides climate change benefits in terms of contributing to New Zealand meeting its emission reduction targets and climate change goals;
- Replaces existing thermal electricity generation – equivalent to a reduction in CO₂ emissions of 130,000 tonnes annually or the same as taking 69,500 internal combustion engine cars off the road;
- Increases the supply of electricity generation to help decarbonise other sectors of the regional and national economy (e.g. Westland Dairy);
- Improves resource use efficiency by increasing the geographic diversity of supply of electricity from hydro generating stations;

It is considered that the benefits of generation and use of renewable electricity has local, regional and national benefits including clear ‘public good’ outcomes.

As discussed in this assessment, it is considered that the proposed development, installation, maintenance and management of the Scheme on conservation land will not compromise the desired “Outcomes” for the ‘Hokitika Place’. Further, given the nature of the proposal as a utility under the CMS, consideration has been given throughout this assessment of provisions of the CMS to the desired “Outcomes” of the ‘Hokitika Place’ in considering the appropriateness of the activity.

It is therefore considered that the Scheme and concession, subject to the suggested conditions, is consistent with the Policies.

3.8 OTHER MANAGEMENT RESPONSIBILITIES

3.8.4 Public Access

- Objectives** 1. *To provide for public access to conservation areas in ways that meet people's reasonable aspirations but do not compromise public safety or the protection of conservation values.*
- Policies** 3. *Activities and access to public conservation lands may be restricted in accordance with legislation:*
- a) *where necessary to protect natural, historical or cultural heritage values; or*
 - b) *where a particular activity will adversely affect the enjoyment of the area by other people, including the qualities of solitude, remoteness, wilderness, peace and natural quiet, where these qualities are present; or*
 - c) *where a particular activity will prevent the desired outcome for a Place from being achieved (see Part 4); or*
 - d) *for public health and safety reasons.*

In general, approval of the concession will not prevent public access to and along the Waitaha River. Having said that, there will be some site specific restrictions required for operational and safety reasons, for example parts of the intake, tunnel, Power Station and switchyard. Any restrictions on access to pieces of DOC land within the concession area will be relatively minor and will not restrict access through the area or valley.

The alignment of the foot access track to Kiwi Flat on the true right of the river, upstream from Macgregor Creek, has also changed over time such that users of the track do not have to directly pass the Power Station Site.

Section 6.22 of the AEE addresses public safety matters. Overall, it is considered that any adverse effects on Public Safety during construction and operation will be negligible and that these effects can be reduced even further through a proposed Public Safety Risk Report process once the Scheme's design has been finalised, and through proposed ramping-rate trials following the Scheme's operation.

The Scheme will, subject to the suggested conditions, will not compromise the desired "Outcomes" for the 'Hokitika Place' with respect to public access and peoples benefit and enjoyment.

It is considered that the Scheme, and concession, is consistent with this policy.

4.0 DESIRED OUTCOMES

4.2 DESIRED OUTCOMES FOR PLACES WITHIN THE CONSERVANCY

Section 4.2.6 Desired Outcomes for the Hokitika Place

Value	Outcome in 2020
Geodiversity, Landforms and Landscapes	The overall character of geodiversity, landforms and landscapes in Hokitika Place is maintained in its 2010 condition.
Indigenous Biodiversity	<ul style="list-style-type: none">At the Otira, Styx/Arahura, Kaniere, Mahināpua and Mikonui priority sites natural heritage values are maintained and, where practicable, protected and enhanced. Elsewhere in Hokitika Place, natural heritage values are maintained to at least the same condition they were in as at 2010.All geothermal sites and surrounding landscapes retain their natural character and are not irreversibly altered in any way (see Section 3.6.4.8).A representative sample of lowland forest and wetland remnants is legally protected within public conservation lands or via other mechanisms such as covenants and/or District Plans (see Section 3.8.3). The natural character of these remnants is improving.

	<ul style="list-style-type: none"> • The numerous lowland lakes, swamps and associated waterways in the Hokitika Place remain important habitat for rarer water birds and native freshwater fish. The former includes crested grebe <i>kāmana</i>, Australasian bittern <i>matuku</i>, marsh crake, spotless crake and white heron <i>kōtuku</i>. Native freshwater fish include inanga, giant kōkopu <i>taiwharu</i> and shortfin eels <i>tuna</i> present in coastal lagoons and lakes (e.g. Totara Lagoon, Lake Mahināpua), shortjaw and banded kōkopu which inhabit lowland streams flowing under forest cover, brown mudfish in areas of swampy forest or pakihi, and koaro in alpine streams. Survey and monitoring work is focused on freshwater habitat and species (with particular focus on inanga, brown mudfish and shortjaw and giant kōkopu <i>taiwharu</i>). • The wetlands of the Hokitika lowlands, including: Totara Lagoon, the Mahināpua wetland complex, Groves Swamp and Backcreek Swamp (Mahināpua priority site); Lake Kaniere (Kaniere priority site); and Shearers Swamp (Mikonui priority site), are functioning naturally. Native species dominate the vegetation. • Large and relatively undisturbed river systems, including the Hokitika River, have retained connectivity to their floodplains. Some of the best surviving sequences of floodplain kahikatea forests and riverine-wetland systems (e.g. Hokitika-Groves and Harman Swamps – wetlands of international importance: Cromarty and Scott 1996) continue to be maintained. Streams within this Place retain their status as national strongholds for giant kōkopu <i>taiwharu</i>, shortjaw kōkopu and long-finned eels <i>tuna</i>. These populations are critical to the long-term survival of these species. Headwater catchments continue to provide important habitat for blue duck <i>whio</i>. • Riparian management continues to improve with the assistance and support of landowners, the local community and local authorities, enhancing the connectivity, viability and life-supporting capacity of the area's ecosystems, including whitebait spawning habitat. Where practical, riparian margins throughout much of the Hokitika Place are fenced to exclude livestock. Knowledge about the effects of land use on threatened freshwater fish species is improved and advocacy for protection of their habitats (see Section 3.8.3) is successful. Indigenous freshwater fish habitat, particularly for shortjaw kōkopu, giant kōkopu <i>taiwharu</i> and brown mudfish, is enhanced throughout Hokitika Place. Containment and/or treatment of pollutant discharges, along with restoration of freshwater fish habitats, result in no further degradation of aquatic ecosystems. • Rock wren and kea are present in the subalpine and alpine habitats of Hokitika Place. Viable populations of the locally endemic land snails <i>Powelliphanta rossiana rossiana</i> and <i>P. fletcheri</i> are found in the subalpine habitats of Mounts Greenland (Mikonui priority site) and Tuhua (Kaniere priority site), respectively. A viable population of blue duck <i>whio</i> is maintained in the Styx/Arahura catchments (see Styx/Arahura priority site on Map 16). The range of western weka does not contract and their abundance does not reduce. New Zealand falcon <i>kārearea</i>, South Island kākā, kākārīki and native bats <i>pekapeka</i> populations continue to exist. The southernmost populations of great spotted kiwi <i>roroa</i> are found in Arthur's Pass National Park. A viable population of the greenhood orchid <i>Pterostylis cernua</i> is maintained. The Mount Cook lily, the alpine buttercup <i>Ranunculus godleyanus</i>, the native broom <i>Carmichaelia arborea</i> and other species that are palatable to mammalian
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	<p>browsers continue to regenerate, flower and fruit as a result of wild animal control work. Tahr are prevented from expanding their range north of the Hokitika catchment.</p> <ul style="list-style-type: none"> • The Department is aided by local communities, businesses and other people and organisations in its efforts to control predators, animal pests, invasive weeds and unwanted organisms throughout Hokitika Place.
Historical and Cultural Heritage	<ul style="list-style-type: none"> • A schedule of Māori archaeological sites located within public conservation lands is maintained and updated. These sites remain free of unauthorised human disturbance. • All actively managed historic places in public conservation lands (such as the historic rail bridge over the Mahināpua Creek <i>Tūwharewhare</i> and the Price Flat Hut) are maintained in their 2010 condition or better. • A comprehensive network of huts and bridges, originally established for this purpose, continues to be used by trampers and hunters today.
Cultural values of significance to Poutini Ngāi Tahu/Ngāi Tahu	<ul style="list-style-type: none"> • Cultural values of significance to Poutini Ngāi Tahu/Ngāi Tahu are protected throughout Hokitika Place.
People's benefit and enjoyment	<ul style="list-style-type: none"> • Hokitika Place provides a number of scenic and historic walks, a range of opportunities associated with its rivers and larger lakes (especially Lakes Kaniere and Mahināpua), and a comprehensive network of backcountry facilities (almost all the valleys of the backcountry contain tracks, huts and bridges). • Concessionaires provide recreational opportunities that complement those • provided by the Department and/or enhance people's enjoyment, understanding and appreciation of natural, historical or cultural values. Concession activities are generally of low impact and are sympathetic to, and in keeping with, the conservation values of the particular site. <p>Backcountry-remote zone</p> <ul style="list-style-type: none"> • New Zealanders continue to regard the extensive Hokitika backcountry as the country's backcountry adventurer 'capital', because of the comprehensive network of backcountry tracks, routes and huts. Opportunities range from multi-day valley and trans-alpine tramping via remote and challenging terrain, to day tramps and weekend trips to accessible huts or natural hot pools ... Numerous opportunities exist for extended north to south traverses utilizing routes and passes into the Newton Saddle, Mikonui, Tuke, Mungo and Waitaha catchments. Circuitous routes are also available, such as the Scamper-Torrent circuit up the Waitaha Valley and down the Smyth Range. Recreational facilities are generally concentrated on • valley floors along the more popular tramping and traditional access routes. However there are several huts, ridge routes and a few bridges specifically sited to maximise 'non-tracked' linkages between valleys. Such facilities include Bluff Hut, Sir Robert Hut, Moonbeam Hut, County Stream Hut, County Junction swing bridge, Price Basin Hut and Ivory Lake Hut. • Hokitika is a world-renowned rafting and whitewater kayaking destination. The Styx, Toaroha and Kakapotahi rivers and Totara Lagoon are maintained as key places for kayaking that are free from high numbers of other users during kayaking trips.

	<ul style="list-style-type: none"> • Concessions may be granted for regular aircraft landings within the backcountry-remote zone where adverse effects on conservation values, recreational users, remote or wilderness values can be avoided or otherwise minimised. Regular landings may occur for the purpose of positioning backcountry recreationists (including hunters, rafters and kayakers) or for scenic landings (including scenic snow landings). Regular landing concession conditions specify restrictions on landing sites and frequency of landings. • The Hokitika Place provides opportunities for recreational sports fishing, whitebaiting, game bird, deer, tahr and goat hunting.
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Based on the above assessment of the Objectives and Policies of the CMS the Scheme and concession, subject to the suggested conditions, will not compromise the desired conservation “Outcomes” for the ‘Hokitika Place’ with in 2020. It is noted that the “Outcomes” are sought to a date which is now passed. Whilst it is understood that activities are underway to review the CMS there has been no notification of a replacement document and these “Outcomes” remain in place.