

Under the **FAST-TRACK APPROVALS ACT 2024**

In the matter of an application for approvals in relation to the Waitaha Hydro Scheme

Between **WESTPOWER LIMITED**

Applicant

---

**EXPERT PANEL: WESTPOWER LTD MEMORANDUM #13  
MEMORANDUM OF COUNSEL IN RESPONSE TO MINUTE #10**

Dated: 23 February 2026

---

**BUDDLE FINDLAY**  
Barristers and Solicitors

Solicitor Acting: Paul Beverley / David Allen / Rachael Balasingam  
Email: paul.beverley@buddlefindlay.com / david.allen@buddlefindlay.com /  
rachaelbalasingam@buddlefindlay.com  
Tel 64 4 463 0423 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

**MAY IT PLEASE THE PANEL:**

1. This memorandum is filed on behalf of the Applicant, Westpower Limited (**Westpower**) and, with its appendices, addresses the following matters:
  - (a) the Panel's Minute #10 regarding responses to any landscape and recreation statements filed by the Department of Conservation (**Department**) and addressing matters in:
    - (i) the peer review reports;
    - (ii) Westpower's 10 February 2026 response; and
    - (iii) the empanelment hearing held on 13 February 2026; and
  - (b) clarification for Mr Greenaway's seven point- and five -point effects scales as requested by the Panel on 13 February 2026.

**Westpower response to the Department**

2. The Department's landscape and recreation responses address matters relating to operations, noise and conditions.
3. To fairly respond to those matters, in addition to statements from its landscape and recreation experts, Westpower has filed statements from Mr Griffiths (author Appendix 3: Project Overview Report and Project sponsor), Mr Staples (author Appendix 28: Noise Report) and Mr Jackson (author AEE and proposed conditions of consent). The statements are attached as **Attachments A to E**.
4. In summary, to assist the Panel:
  - (a) As set out in Mr Griffith's statement, Westpower is:
    - (i) intending to use a 20-tonne excavator because the longer excavator arm will enable it to minimise the excavator needing to drive into the river;
    - (ii) operationally Westpower is highly incentivised to minimise excavator use (while providing the necessary opportunity to do so under the proposed conditions of consent); and
    - (iii) has incorporated required real time monitoring of flow which ensures prompt action to address blockages (which is expected to ensure the excavator operator completes work as soon as

possible after a blockage occurs (which typically will be after a long lasting flood).

- (b) In respect of recreation, Mr Greenaway considers that any required excavator use after long lasting floods will only infrequently overlap with visitors to the valley given the infrequent excavator use, and that use typically occurring immediately after a long lasting flood (when the excavator driver can access the area quicker than trampers or hunters).<sup>1</sup> Mr Greenaway's assessment of effects has not changed.
- (c) In respect of landscape, Mr Bentley accepts that observations of the excavator in use by visitors will create "pronounced spikes" in effects. Mr Staples assessment of noise confirms that the use of the excavator has a negligible effect. Mr Bentley's assessment of effects has not changed.
- (d) As addressed in the Application, and Westpower's Memorandum #1 to the Panel dated 7 November 2025, for some visitors, there will be a positive association between seeing the infrastructure, and in the unlikely event of coming across channel maintenance, and the regional and national benefits of the Scheme, particularly its contribution to reducing emissions and the effects of climate change (including on biodiversity).

**Dated:** 23 February 2026



---

Paul Beverley / David Allen / Rachael Balasingam

**Counsel for Westpower Limited**

---

<sup>1</sup> [Attachment-9-Statement-Rodger-Griffiths\\_Redacted\\_redacted.pdf](#), para 12.