

# Fast-Track Consultation Summary

**Purpose** - This document provides a summary of information from DOC following a pre-lodgement consultation request.

## Project Details

<b>Project name:</b>	Waitaha Hydro
<b>Engagement type:</b>	Pre-lodgement consultation
<b>Applicant/agent:</b>	Westpower Limited <ul style="list-style-type: none"><li>• [REDACTED]</li><li>• [REDACTED]</li><li>• [REDACTED]</li></ul>
<b>Proposal overview:</b>	<p>A run-of-the-river hydro-electric power scheme (Scheme) on the Waitaha River, 60km south of Hokitika on the West Coast. Proposed headworks include a low weir and intake structure at the top of Morgan Gorge that diverts water into a pressurised tunnel to a power station below Morgan Gorge.</p> <p>The diverted water will be returned to the Waitaha mainstem near the confluence of Alpha Creek. The Scheme would divert up to 23 cumecs whilst maintaining a minimum residual flow of 3.5 cumecs immediately downstream of the intake. The abstraction reach is 2.5 km of the Waitaha River, including Morgan Gorge.</p>
<b>Location:</b>	West Coast
<b>Date consultation request received:</b>	<p>5 February 2025</p> <p>Draft documentation was provided to DOC from 24 June 2025 to 15 July 2025 for comment by 18 July 2025.</p> <p>This summary is an overview of DOC technical experts' review of the draft documents provided primarily between the 12<sup>th</sup> and 15<sup>th</sup> of July 2025. Due to the short review timeframe this is not an exhaustive review and aims to point out high level concerns noted in the draft documentation.</p> <p>Meeting notes have been recorded by both parties to capture fortnightly meetings about the project. These discussions are not captured within this summary.</p>
<b>Summary of pre-lodgement Consultation</b>	
<b>Fast track project lead DOC:</b>	[REDACTED] Fast-track Advisor Senior National RMA Advisor
<b>DOC Permissions/ Approvals Identified by applicant in pre-</b>	<ul style="list-style-type: none"><li>• Concessions (Schedule 6 of the FTAA)</li><li>• Wildlife (Schedule 7 of the FTAA):</li></ul>

<p><b>lodgement request as potentially required:</b></p>	<ul style="list-style-type: none"> <li>• Complex fisheries (Schedule 9 of the FTAA)</li> </ul>
<p><b>DOC Commentary on Fast Track approvals and permissions identified:</b></p>	<p><b>Wildlife Act Permissions</b></p> <p>For all Wildlife Act permissions sought under the Fast-track Approvals Act 2024 (FTAA), we would recommend considering information requirements listed in Schedule 7, clause 2 of the Act. This is the criteria that DOC must use to determine if each wildlife approval is complete once lodged. We would also refer to Checklist E in the attached document.</p> <p>General guidance for applying for a wildlife approval under the FTAA can be viewed here: <a href="#">Guidance for applying for a wildlife approval</a></p> <p><b>Lizard Wildlife Approval</b></p> <p>We note that a wildlife approval is sought for handling, salvage, transfer / relocation, and incidental killing of native lizard.</p> <p>We propose that there may need to be additional information in the following areas of the lizard management plan (LMP):</p> <ul style="list-style-type: none"> <li>• The LMP proposes to hold any captured lizards for up to 72 hours to ensure that vegetation clearance is completed. <ul style="list-style-type: none"> <li>○ We would recommend providing further detail about the conditions in which lizards will be held (i.e., container, enclosure, resource provision etc).</li> <li>○ We would recommend a brief comment on any contingency action in the event that vegetation clearance is unable to be completed within 72 hours (i.e. weather events, project issues etc).</li> </ul> </li> <li>• Contingencies are being addressed via a contribution to an ecosystem programme to benefit Whio. One suggested programme has been made of Zero Invasive Predators which is heavily focussed on predator management for the protective benefit of avifauna. However, if West Coast green geckos are found, we would recommend the details be fleshed out with more certainty and provision for an action that will specifically benefit West Coast green gecko if present (i.e. an action or contribution to a programme with demonstrable benefit to West Coast green gecko).</li> </ul> <p><b>Avifauna / Whio Wildlife Approval</b></p> <p>We recommend that a wildlife approval is sought for the handling of Whio. We have a few concerns around the proposed Avifauna Management Plan (AMP) in relation to Whio:</p> <ul style="list-style-type: none"> <li>- In section 4.2.2.1 and 4.2.2.3 of the draft AMP there is mention of nesting deterrents. <ul style="list-style-type: none"> <li>○ We note that the techniques described around nesting deterrents are foreign to DOC and our technical experts are sceptical of them having realistic or practical uses.</li> <li>○ We note that we would like clarification on the exact process around nest deterrents and how the project proposes to discourage Whio pairs from nesting.</li> </ul> </li> <li>- In section 4.4 of the draft AMP there is mention of continuing construction work while a review of a potential mortality of Whio is conducted <ul style="list-style-type: none"> <li>○ We would expect construction to pause until a review has been done.</li> </ul> </li> </ul> <p><b>Bat Wildlife Approval</b></p>

We note that a bat wildlife approval is not intended to be applied for under FTAA for this application. In the Bat Management Plan (BMP) there is talk of following the DOC Bat Protocols with 'minor variations.' We would stress that the Bat Protocol exists to lower the risk of killing bats, not following it may result in the committal of an offence under the Wildlife Act.

Our bat technical expert noted a few additional points re the BMP:

- There is mention of low-risk trees being felled at any time of year – the definition of a low-risk tree is in the bat protocol – this definition needs to be used.
- If bats stay in a tree for 10 days, it is stated the applicant may want permission to move the roost but there are no details of how they would do this. We note that a Wildlife Act approval would likely be required.
- Lighting restrictions during operational phase – the recommendation is to use bulbs of 2700K or less (this reduces the amount of blue light).

There is potential for a bat wildlife approval to be required which may cover accidental death and disturbance of bats. We believe the applicant should consider this.

However, if the bat protocols are followed and an approved bat consultant is employed if the presence of bats are detected then a Wildlife Act authority may not be required. The protocols are available on the [DOC website: Bat Protocols](#)

#### **Concessions**

We note that in relation to concession documentation there appears to be a missing information requirement. Specifically, Schedule 6, clause 3(l) of the FTAA in relation to financial and legal liabilities associated with the land. We would expect to see a section around this information requirement in the final application.

To help assess conditions, we would recommend a table format of the specific nature of the concessions applied for under the FTAA. This table would highlight:

- the activity (describe what you would like to do),
  - This should include a list of the exact structures and whether they require exclusive use of the land or can be open to the public.
- the type of concession (i.e. easement, lease, licence, permit),
- the specific location for each activity,
  - Both a description and a clear map.
- the proposed duration/term for each concession,
  - i.e. permanent vs temporary structures and the timeline for each.
- and the potential effects of each concession.

We would also suggest a description of the types of construction materials/machines that are likely to be used. This should include where these are likely to be stored on site if applicable. We would suggest a clear description of the materials to be used on public conservation land and details around their storage.

We would also refer you to checklist D1 in the attached document to assist with information requirements under the FTAA in relation to a Concession application.

	<p><b><u>Complex freshwater fisheries</u></b></p> <p>With the time available we have not been able to fully assess the complex freshwater fisheries component of the application.</p> <p>We would refer you to checklist G in the attached document to assist with information requirements under the FTAA in relation to a Complex Freshwater Fisheries Approval.</p>
<p><b>DOC commentary on draft conditions</b></p>	<p><b>Conditions relating to Fish Passage</b></p> <p>Condition 2 stating 'in general accordance' is very vague and we do not believe we have seen the detailed engineering drawings for the structures authorised by that permit. We may require specialist technical advice on their requirements for kōaro for this application.</p> <p>We are unsure if the objective of minimising as practical adverse effects on kōaro is appropriate. Although we agree that condition 5(d) which seeks to ensure upstream and downstream passage of kōaro and the continued exclusion of upstream salmonid passage is important. We would recommend that condition 5(d) also states that the permit holder must construct and maintain the weir.</p> <p>Conditions 7 and 8 regarding fish passage design matters and passage seem appropriate. The exception regarding pumping over and around culvert structures may need further clarification.</p> <p>We believe that condition 11 may need to be clarified in alignment with any clarification on condition 8 regarding pumping over or around culvert structures.</p> <p>We note that there is no monitoring or compliance/ review condition. Our expectation would be that there should be some appropriate monitoring to ensure that the fish passage structure there is achieving its objective which is outlined in condition 5. We also would support a condition providing for the decommissioning of the weir structure should the project be decommissioned at some future point in time.</p> <p><b>Conditions relating to concessions</b></p> <p>We note that the proposed conditions are very minimal especially for such a large project. As an example, an application for a straightforward lease and licence for an activity where the effects are known would likely have anywhere from 5 to 40 special conditions. This depends on complexity and if the activity is niche. We also note that the conditions seem overly reliant on management plans. It is not clear which resource consent conditions will relate to any DOC concession conditions. This makes it difficult for DOC to assess.</p> <p>We would expect stand-alone conditions in relation to the specific structures and/or any activities that are to be located on public conservation land. Given the structures require concessions, DOC input into the design and impacts of the operation of the structures needs to be provided for. It would be appropriate for DOC to have an approval role on management plans relating to structures requiring concessions.</p> <p>There also needs to be conditions included in the concessions providing standards to be achieved regarding the design (i.e. minimised effects on natural character etc). The current standard proposed (i.e. avoid, mitigate, remedy adverse effects) through the resource consent conditions is inadequate and inappropriate, given the high natural character, landscape, and recreational values associated with the project area.</p>

	<p><b>Resource consent conditions</b></p> <p>We note that that resource consent conditions are highly management plan driven. We would propose clear objectives and adequate performance standards in the conditions. We also note there are deemed approval and incorporation by references clauses in the conditions, and we do not support either. There are also issues around variation to management plans, and how any such variations would be managed and incorporated into the DOC approval conditions.</p> <p>We note the conditions relate primarily to West Coast Regional Council and to Westland District Council. The difficulty with this situation is we do not know which of these provisions are part of the concession conditions. It is not clear which apply to DOC and which do not. This has the potential to create confusion with regard to enforcement of the conditions.</p> <p>The current standard proposed in Condition 17 for construction management of “avoid, remedy or mitigate” adverse effects through the resource consent conditions is inadequate. Condition 34 focusses on “minimising as practicable adverse effects on river morphology, sediment transport, kōaro and whio”, but natural character and recreational values also need to be provided for here.</p>
<p><b>Treaty Settlement implications/considerations</b></p>	<p>We acknowledge that Poutini Ngāi Tahu (Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio) are a project partner although not a joint applicant for the project.</p> <p>DOC will provide input on Treaty settlement obligations as part of the section 18 report prepared by MfE and s51 reports prepared by DOC for the Panel.</p>
<p><b>DOC Statutory Planning Document considerations in relation to site (e.g. CGP/CMS/CMP):</b></p>	<p>Conservation General Policy and West Coast Te Tai o Poutini Conservation Management Strategy.</p> <p><a href="#">Conservation General Policy: Policies and plans</a></p> <p><a href="#">West Coast Te Tai o Poutini Conservation Management Strategy Volume 1 2010-2020: Conservation management strategies</a></p> <p>We note that an assessment of how the project is consistent with the relevant conservation management strategy, conservation management plan, and any conservation management plans and strategies is required under clause 6, section 3(d) of the FTAA.</p>
<p><b>Any further information/considerations:</b></p>	<p>As noted in previous correspondence, we would promote improved public access to Kiwi Flat. We would also recommend implementing a notification system so that recreational users of the area are aware of planned activities at Kiwi Flat and the surrounding public area.</p> <p><b>Vegetation Concerns</b></p> <p>We believe the part remedy/mitigation offered in the Vegetation Management Plan is well informed and in general proposes activities which are appropriate and adequate to remedy or mitigate effects of the activity. The plan’s focus on weed/pest plant species management addresses an important ecological issue for the proposal.</p> <p>The proposal of clearing about 5ha of indigenous vegetation permanently may need further consideration. As it is a relatively small area of vegetation clearance, there seems few obstacles to potentially achieving a no nett loss of indigenous vegetation for the project. We propose that this could be achieved by the applicant obtaining 5ha next to the public conservation land and paying to have it replanted. We would support this as an opportunity to include an element of environmental best practise in the proposal, which is achievable.</p> <p>We believe the Conditions which look to reduce indigenous vegetation clearance and manage pest plant/weeds are effective and adequate. A</p>

	<p>condition about replanting 5ha as a compensatory measure for clearance of about 5ha of indigenous vegetation could be added to improve the Conditions.</p>
<b>Additional Notes:</b>	<p>While DOC will assist applicants as much as we can when they engage in pre-lodgement consultation, it is the applicants' responsibility to comply with the FTAA and to ensure they have applied for all permissions they need.</p> <p>We note that a panel will invite the statutory bodies listed in clause 4 of Schedule 7 to comment on the application (NZCA, conservation boards, Fish and Game Council, and Game Animal Council). We encourage applicants to engage with these bodies in advance of filing a substantive application.</p> <p>It is recommended that the information provided in the substantive application prepared under the FTAA be separated out by the various approvals sought and all information requirements addressed for each approval sought. A checklist of information requirements is attached, including checklist J (Listed project information requirements).</p> <p>It would assist if draft conditions were separated into the various approvals sought.</p>