

Attachment 13 to Memorandum #7: Statement of Martin Kennedy

Date	21 January 2026
To	Waitaha Hydro Expert Panel FTAA-2505-1069
From	Martin Kennedy
Project advice provided for	<i>Waitaha Hydro Scheme</i>
Documents referred to	<i>Waitaha Hydro Scheme Substantive Application</i>
Experience	<i>Appendix A</i>
Code of Conduct	<i>Appendix B</i>
Signature	

1. Involvement In Application Process

- 1.1 I am part of the Project Team who prepared the Waitaha Hydro Scheme Substantive Application lodged with the Environmental Protection Authority on 8 August 2025.
- 1.2 This included undertaking an assessment of the project against the provisions of the Conservation General Policy 2005 (the “**CGP**”) and the West Coast Conservation Management Strategy 2010-2020 (the “**CMS**”). This assessment is included in Appendix 52¹ to Westpower’s Substantive Application.
- 1.3 I have been asked to respond to the assessment undertaken by the Department of Conservation (“**DOC**” or “**the Department**”) on the Project’s consistency with the provisions of the CGP and CMS,² as also reflected by the New Zealand Conservation Authority (**NZCA**),³ in their respective comments made under s 53 of the Act.

2. Approach to consideration of comments

- 2.1 In undertaking this review, I have appended as C (*CGP*) and D (*CMS*) of this statement, tables setting out what are understood to be the position of DOC with respect to certain provisions and my opinions in regard to those matters.

¹ [Appendix 52 conservation management strategy and conservation general policy statutory assessment](#).

² Appendix C, DOC s 51 Covering Report: [Appendix-C-Waitaha-Hydro-s512a-concessions-report.pdf](#).

³ New Zealand Conservation Authority, s 53 comments, 14 January 2026.

- 2.2 My opinions are related to the original assessment (*Appendix 52⁴*) submitted with the Application, and consideration of refinements made through the course of an ongoing iterative process of design and layout of the scheme during the application phase and as issues have been raised and considered. This has included the comments received on the Application, and made by experts on behalf of Westpower.
- 2.3 There are several provisions where there is agreement and, accordingly, I do not discuss those matters further. These areas are noted in the appended tables as “*agreed*”, and no further comment is provided even if there may have been a difference in interpretation of matters in reaching that same conclusion. My initial assessments in reaching those conclusions remain.

3. Conclusion

- 3.1 I disagree with some of the conclusions reached by the Department in undertaking its assessment. The conclusions reached in my original assessment remains. This includes how provisions are interpreted as this appears to be a key feature of DOC’s assessment.
- 3.2 I discuss these matters below beginning with discussion of common matters, particularly related to interpretation, and then specifically related to the *CGP* and *CMS*. The appended tables are to be read in conjunction with these matters to avoid duplication and repetition as much as possible.
- 3.3 I note that at paragraphs 3.7 (*CMS*) and 3.8 (*CGP*),⁵ DOC provides brief overall statements regarding consistency with each document but only makes an overall conclusion with respect to the *CGP*.
- 3.4 It is my overall assessment that whilst there are effects, at a range of degrees, arising from the proposed activity, when all the relevant provisions are considered as intended by the *CGP* and *CMS* (both on their own terms and as they relate to each other across the overall document), the Project can, subject to conditions, be considered consistent with the *CGP* and *CMS* as a whole.

4. Interpretation

⁴ [Appendix 52 conservation management strategy and conservation general policy statutory assessment](#)
⁵ [Appendix-C-Waitaha-Hydro-s512a-concessions-report.pdf](#).

- 4.1 I have addressed interpretation matters regarding both documents below, however, there are some common themes related to both arising from the DOC assessment that are relevant. These relevant details are included under the discussion of each document below.
- 4.2 In terms of consistency with the relevant document it is the DOC interpretation that inconsistency with a “key” provision means that a proposal is inconsistent with the whole document (see *paras 6.4.27 and 6.5.42*⁶).
- 4.3 I have reviewed the policies on “*Interpretation*” in both documents and can see no reference to, or list of, certain “key” provisions which override all others. I did note that the term “key” is used throughout the document to denote a range of matters. For instance, and of relevance to this application, in describing outcomes for the ‘*Hokitika Place*’ in terms of kayaking in the “*Backcountry-Remote Zone*” I note the *CMS (page 249)* advises,

Hokitika is a world-renowned rafting and whitewater kayaking destination. the styx, toaroha and Kakapotahi rivers and totara lagoon are maintained as key (my emphasis) places for kayaking that are free from high numbers of other users during kayaking trips (see section 3.6.4.10).

- 4.4 In fact, the assessment undertaken for the application (*Appendix 52*⁷) was based on the “*Interpretation*” policies in each document (see below) which includes a policy common to both:

the *CGP: 1 Interpretation of Policies*

- 1 (c) *Each policy will be considered in conjunction with all other policies in this General Policy.*

the *CMS: 1.4 Interpretation – Policies*

- 1 (c) *Each operative part of this CMS will be considered in conjunction with all other relevant sections of this CMS.*

- 4.5 In my opinion, it is not intended that each provision be interpreted in isolation but must be considered in conjunction with other relevant provisions. This would be a logical approach as to consider provisions in isolation would mean overlooking other relevant matters, including potential

⁶ [Appendix-C-Waitaha-Hydro-s512a-concessions-report.pdf](#).

⁷ [Appendix 52 conservation management strategy and conservation general policy statutory assessment.](#)

conservation benefits, in forming considering matters and achieving outcomes.

- 4.6 The approach of considering provisions in conjunction with others is reinforced in the *CGP* (page 13) which states in commentary to the “*Interpretation*” policies that:

The policies in this General Policy recognise the need to:

- *ensure that decisions are not predetermined by restricting the possibilities provided for in the legislation; and*
- *recognise the constitutional role of the Minister of Conservation and other decision-makers.*

...

Many policies in this General Policy reflect aspects of integrated conservation management; for example, by referring to outcomes planned for places, which may be a combination of different outcomes including those for management of natural resources, historic and cultural heritage, and recreational opportunities. Each policy also needs to be considered in conjunction with all other policies. This ensures, among other things, that the policies for different types of conservation outcomes in Chapters 4-14, are considered with policies in Chapters 2 and 3 which cover how the Department will engage with tangata whenua and with the public in conservation management.

- 4.7 The *CMS* does not include a statement such as that found in the *CGP* but does provide “*Notes for Readers*” (Section 1.5, page 7, paragraph 2),

... Unless otherwise indicated, topics and lists in this CMS are not presented in any priority order. ...

- 4.8 Accordingly, it is my opinion that, in assessing the documents provisions should be considered both on their own terms and in conjunction with other relevant provisions. The initial assessment contained in Appendix 52 to the application,⁸ and further consideration in **Appendices C and D** to this statement, adopt this approach.

Wording of Provisions

- 4.9 I note, as discussed below, that consideration of certain provisions by DOC indicates that there is no ability to make decisions, rather being bound by the direction in the provision. Whilst I agree that there are provisions requiring strict adherence to a specific direction, I also note that such an approach has been applied in the DOC review to provisions which, while

⁸ [Appendix 52 conservation management strategy and conservation general policy statutory assessment.](#)

indicating a strong expectation, do not seek to prevent a decision maker carrying out an appropriate assessment and consideration of a proposal and associated effects.

4.10 I note this has arisen particularly in relation to those policies which require that an outcome “*should*” be achieved. Both the *CGP* and *CMS* in the respective “*Interpretation*” policies address these matters (*with my emphasis*),

the *CGP*: **1 Interpretation of Policies**

- 1 (d) The words ‘will’, ‘should’ and ‘may’ have the following meanings:
- i. Policies where legislation provides no discretion for decision making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions ‘will’ be undertaken.
 - ii. Policies that carry with them a strong expectation of outcome without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions ‘should’ be undertaken.
 - iii. Policies intended to allow flexibility in decision-making, state that a particular action or actions ‘may’ be undertaken.

the *CMS*: **1.4 Interpretation – Policies**

- 5 The words ‘will’, ‘should’ and ‘may’ have the following meanings:
- a) Policies where legislation provides no discretion for decision-making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions ‘will’ be undertaken.
 - b) Policies that carry with them a strong expectation of outcome, without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions ‘should’ be undertaken.
 - c) Policies intended to allow flexibility in decision-making, state that a particular action or actions ‘may’ be undertaken.

4.11 The assessment contained in both Appendix 52 to the application⁹ and in the review of comments in **Appendices C and D** to this statement follow this approach to enable an appropriate consideration of the provisions, as intended by the *CGP* and *CMS*.

Assessment Matters

4.12 I note in the *DOC* comments that the outcomes sought in some instances have been incorrectly attributed to a provision. These matters are discussed where they arise in **Appendices C and D**.

⁹ [Appendix 52 conservation management strategy and conservation general policy statutory assessment](#).

4.13 For instance, it is important that where a provision seeks “*minimisation*” this is not read as “*mitigation*” as they are different outcomes and should be considered accordingly.

5. Conservation General Policy (CGP) 2005

5.1 The DOC conclusions (and that has been applied by the NZCA in its comments):

- are inconsistent with Policy 1 (Interpretation);
- are inconsistent with several Policies related to conservation of natural resources and effects of activities on conservation values;
- in adopting a nil residual adverse effects approach, are not consistent with expectations specified in these policies;
- do not consider or assess relevant policies; and
- misapply some policy wording.

5.2 The DOC review does not consider or assess the following policies, which were considered in *Appendix 52* to the AEE¹⁰:

Policy 4.1 Terrestrial and freshwater species, habitats and ecosystems

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

Policy 5 Historical and Cultural heritage

Policy 8 Natural Hazards

Policy 9.5 The use of vehicles and other forms of transport

5.3 **Appendix C** of this statement are my opinions on issues arising from the review undertaken by DOC, and in places commented on by the NZCA, regarding provisions of the CGP as applied to the proposed activity. The conclusion reached in paragraphs 5.1-5.4 of this statement are based on that assessment.

5.4 When considering the matters in **Appendix C**, where there is difference of position on a matter, it is relevant to consider the CGP Interpretation Policies with respect to the matters below (emphasis added). These are particularly relevant as to how the CGP is interpreted and were not addressed in the DOC assessment.

¹⁰ [Appendix 52 conservation management strategy and conservation general policy statutory assessment.](#)

POLICIES

1 Interpretation of Policies

- 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.*
- 1 (b) *Only the policies in this General Policy (identified by being placed in boxes) and the Glossary will have the effect of General Policy.*
- 1 (c) *Each policy will be considered in conjunction with all other policies in this General Policy.*
- 1 (d) *The words 'will', 'should' and 'may' have the following meanings:*
- iv. *Policies where legislation provides no discretion for decision making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions 'will' be undertaken.*
 - v. *Policies that carry with them a strong expectation of outcome without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions 'should' be undertaken.*
 - vi. *Policies intended to allow flexibility in decision-making, state that a particular action or actions 'may' be undertaken.*
- 1 (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.*
- 1 (f) *All policies in this General Policy will be applied consistently with the objectives of the relevant legislation and, where applicable, any statutory purposes for which the place is held under that legislation.*
- 1 (g) *Interpretation of the policies in this General Policy will not derogate from the provisions of the relevant legislation.*
- 1 (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.*

Definitions

- 5.5 The term “*minimise*” is not defined in the Conservation Act, the CGP or the CMS.

6. Conservation Management Strategy (CMS) 2010

- 6.1 The DOC position is that the Project is:

- inconsistent with several Objectives and Policies due to recreation and landscape effects; and
- accordingly inconsistent overall with the desired outcomes for the Backcountry-Remote Zone within which the Scheme is proposed.

- 6.2 However, the DOC assessment and its conclusions:

- fail to reflect that the activity does not occur within a national park and is not within an area subject to a conservation management plan;
- are inconsistent with Policy 1 (Interpretation);

- in adopting its nil residual adverse effects approach are not consistent with expectations specified in these policies;
 - do not consider or assess relevant policies; and
 - misapply some policy wording and inconsistently apply assessments made elsewhere in the DOC report.
- 6.3 The DOC assessment does not consider certain provisions of the CMS or relevant matters, specifically:
- the activity does not occur within a national park;
 - the activity is not within an area subject to a conservation management plan;
 - it does not consider:
 - *Section 3.3.2.3 Prioritising natural heritage work*
 - *Section 3.3.3.3 Management of freshwater fisheries*
 - *Section 3.3.3.5 Threatened species management*
 - *Section 3.4.1 Historical and Cultural Heritage Values and threats and 3.4.1.5 Understanding historical and cultural heritage values*
 - *3.6.4 Recreation and Tourism Activities - 3.6.4.1 Overview (Objective 1)*
 - *3.6.4.3 Animals*
 - *3.7.9 Research, Collection and Wildlife Act Permits.*
- 6.4 When applying the CMS, of relevance with respect to proposed Utilities (*Section 3.7.11*), is a focus on the values of the 'place' (in this case 'Hokitika Place' with the desired outcomes set out in *Section 4.2.6*).
- 6.5 **Appendix D** to this statement, are my opinions on issues arising from the review undertaken by DOC, and in places commented on by the NZCA, regarding provisions of the CMS as applied to the proposed activity. The conclusion reached above (paragraphs 5.1-5.4) is based on that assessment.
- 6.6 When considering the matters in **Appendix D**, where there is a difference of position on a matter, it is relevant to consider the following relevant CMS Interpretation Policies (these are particularly relevant as to how the CMS is interpreted and was not addressed in the DOC assessment),

POLICIES

1.4 Interpretation

- Policies*
- 1(c) *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).*
- 5 *The words ‘will’, ‘should’ and ‘may’ have the following meanings:*
- a) *Policies where legislation provides no discretion for decision-making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions ‘will’ be undertaken.*
- b) *Policies that carry with them a strong expectation of outcome, without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions ‘should’ be undertaken.*
- c) *Policies intended to allow flexibility in decision-making, state that a particular action or actions ‘may’ be undertaken.*
- 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.*

Definitions

- 6.7 The term “minimise” is not defined in the Conservation Act, the CGP or the CMS.

Martin Kennedy

Appendix A: Qualifications and experience

- I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same Council. I have 35 years Resource Management and Planning experience.
- I have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including: Resource Consent Applications (processing, development and submissions), environmental effects assessments; notification and processing decisions; and District Plan development, implementation and associated processes. I also assist submitters with submissions and involvement in National, Regional and District Policy and Plan development processes under the Resource Management Act.
- I have had specific experience with the development, implementation and interpretation of the Policies and Plans on the West Coast as a consultant to Councils, applicants and submitters. This includes applications for concession and submission to Conservation Management Strategies during their development, including the West Coast Conservation Management Strategy.
- I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- I am a current full member of the New Zealand Planning Institute.
- I am a certified and accredited Hearing Commissioner (with Chair Endorsement). Since 2005 I have heard and determined primarily Resource Management Act related matters (including; private plan changes, resource consents, designations, subdivisions) for a range of Local and Regional Authorities both within, and outside, the West Coast.

Appendix B: Code of Conduct

Statement confirming compliance with the Environment Court's Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023

As an expert witness, I have read, and I am familiar with the Environment Court's Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023.

I have prepared my, or provided input into, an assessment of effects for the Waitaha Hydro Scheme in compliance with the Code of Conduct and will continue to comply with it in this Fast-track Approvals Act process. In particular:

- my overriding duty is to assist the decision-maker impartially on matters within my expertise;
- unless I state otherwise, my assessment is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express; and
- I have not, and will not behave as, an advocate for the Applicants.

Appendix C: Conservation General Policy (CGP)

Section	DOC Comment	Review (underlining is provided by way of emphasis)
2 – Treaty of Waitangi Responsibilities	Consistent	Agreed
3 – Public Participation in Conservation Management	Whilst a section of the assessment no view is provided	No issue raised
4 – Conservation of Natural Resources	<ul style="list-style-type: none"> • Inconsistent with <i>Policy 4.5: Geological Features, Landforms, and Landscapes</i> • Adverse effects on the intrinsic values at the location scale cannot be mitigated. • The NZCA comments, while recognising that the Policy requires minimisation then concludes that the adverse effects "cannot be mitigated". 	<ul style="list-style-type: none"> • <i>Policy 4.5(b)</i> requires that activities are managed such that adverse effects on intrinsic values are "<i>avoided or <u>otherwise minimised</u></i>". The Policy does <u>not</u> require mitigation. • The DOC commentary, at <i>para 6.4.21</i>, considers that appropriate steps have been taken, through design, to minimise the footprint, scale and visual impact of the infrastructure. • The Landscape Report submitted with the application concludes that, <ul style="list-style-type: none"> ▪ there will be moderate to high effects at the local level ▪ the underlying values which make the area "outstanding" will not be lost ▪ the scheme is not inappropriate to the location and landscape within which it is located with respect to natural character, landscape and visual amenity
4 – Conservation of Natural Resources	Consistent with <i>Policy 4.6: Ecosystem Services</i>	Agreed

Section	DOC Comment	Review (underlining is provided by way of emphasis)
9 – Peoples Benefit & Enjoyment	Consistent with <i>Policy 9.1(a): 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</i>	Agreed that the activity is consistent with outcomes planned for the West Coast Region and Hokitika Place.
11 – Activities Requiring Specific Authorisation (not covered elsewhere)	<ul style="list-style-type: none"> • Inconsistent with <i>Policy 11.1(b)</i> re avoidance, remedy or mitigation of adverse effects. The NZCA comments also reference this provision. • Consistent with <i>Policy 11.3 (Utilities) (a), (c), (d) & (e)</i> • Inconsistent with <i>Policy 11.3 (Utilities) (b)</i> (the NZCA comments also refer to this provision) as, <ul style="list-style-type: none"> ▪ the scheme has ongoing effects on the local landscape and visual amenity values that cannot be avoided remedied or mitigated through conditions, and ▪ is not entirely of a scale, design or colour that is integrated with the surrounding landscape 	<ul style="list-style-type: none"> • <i>Policy 11.1(b)</i> requires that authorised activities “<u>should, where relevant,</u>” avoid, remedy or mitigate and adverse effects and maximise positive effects. This is <u>not</u> an absolute direction as has been applied by DOC and the NZCA (ie it is not a “will” policy), whilst setting strong guidance the policy is one which enables the decision maker to consider the issues arising in conjunction with related and relevant Policies of the CGP with regard to any proposed activity (consistent with Policy 1). • With specific regard to <i>Policy 11.3 Utilities</i>, <ul style="list-style-type: none"> ○ The DOC assessment accepts, at <i>para 6.4.20</i>, that there are no reasonable locations outside PCL that meet the scheme requirements and it is consistent in that regard. ○ The DOC commentary, at <i>para 6.4.21</i>, considers that appropriate steps have been taken, through design, to minimise the footprint, scale and visual impact of the infrastructure. This is inconsistent with the DOC conclusion re <i>Policy 4.5(b)</i> above which does not reference “<u>minimisation</u>”, but rather mitigation. ○ With respect to management of landscape effects under <i>Policy 7.3(b)</i> a refined outcome is sought, ie. integration with the landscape.

Section	DOC Comment	Review (underlining is provided by way of emphasis)
		<ul style="list-style-type: none"> ○ The same applies as above, ie. the Landscape Report submitted with the application concludes that, <ul style="list-style-type: none"> ▪ there will be moderate to high effects at the local level ▪ the underlying values which make the area “outstanding” will not be lost ▪ the scheme is not inappropriate to the location and landscape within which it is located with respect to natural character, landscape and visual amenity

Appendix D: Conservation General Policy (CGP)

Section	DOC Comment	Review
3.1.2.1 Treaty of Waitangi relationships	Consistent	Agreed
3.3.3.2 Maintenance of restoration of indigenous natural character of ecosystems	Consistent	Agreed
3.3.3.6 Biosecurity and pest management	Consistent	Agreed
3.3.3.7 Ecosystem services and economic benefits	Consistent	Agreed
3.3.4.3 Management of geodiversity and landscapes	<p>Not consistent with, Objective 1.</p> <p><i>To protect geodiversity and landscapes from adverse effects of human use or management.</i></p> <p>and</p> <p>Policy 1.</p> <p><i>The Department should seek to protect and preserve the natural character, integrity and values of landscapes, landforms,</i></p>	<p>The DOC assessment is based on the outcome of the proposal being inconsistent with O1 and P1 as it will not achieve <u>total</u> protection from adverse effects and preservation of natural character and landscape values. It is accepted that directive terms are used in these provisions, particularly if considered in isolation from P2. However, P1 is a “should” policy so does provide decision makers with an ability to consider the issues arising. Such consideration being assisted by landscape assessment requirements under P2 and undertaken in conjunction with other relevant sections of the CMS.</p> <p>The DOC assessment does consider the proposal is consistent with P2. P2 provides for a requirement to undertake landscape assessments “as needed” and specifically refers to “considering proposals to develop utilities on public conservation land”. This policy does not indicate that total protection/preservation is envisaged in all cases,</p>

Section	DOC Comment	Review
	<p><i>geological and soil features and processes in all aspects of conservation management.</i></p> <p>Is consistent with, Policy 2.</p> <p><i>Landscape assessments should be conducted on an as-needed basis, e.g. when considering proposals to develop utilities on public conservation land.</i></p>	<p>otherwise there would be no requirements for assessment of utilities as any such activities are likely to create effects to differing degrees dependent of scale, intensity and location. This would be inconsistent with CGP policies 4.5(b) (avoidance or minimisation), 11.1(b) (avoid, remedy or mitigate) and 11.3(b) (integration of utilities into the landscape) above with respect to effects management.</p> <p>A landscape assessment has been undertaken and has been through a series of iterations and reviews to ensure that potential effects are managed.</p> <p>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).</p> <p>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.</p> <p>The Landscape Report has concluded that;</p> <ul style="list-style-type: none"> ▪ 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.

Section	DOC Comment	Review
		<ul style="list-style-type: none"> ▪ The extent of the effects is localised, and the project will be carefully designed to avoid permanent significant effects. <p>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.</p> <p>From the above it is apparent that the objectives and policies must be considered together. Proposals to develop utilities can be considered and approved based on appropriate landscape assessment. Accordingly, decisions are made on each case. As above the landscape report concludes that,</p> <ul style="list-style-type: none"> ▪ there will be moderate to high effects at the local level ▪ underlying values which make the area “outstanding” will not be lost ▪ the scheme is not inappropriate to the location and landscape within which it is located with respect to natural character, landscape and visual amenity
3.5 Authorised uses of public conservation land	<p>The DOC assessment concludes that the proposal is not consistent with Objective 3, which seeks to protect recreational opportunities from adverse effects, in that kayakers will be severely affected and can't be fully protected.</p> <p>The assessment advises that in all other respects the activity is consistent with the provisions in this chapter of the RPS.</p>	<p>The position expressed by DOC is fundamentally different from that of Mr Greenaway in his technical report (appended to the AEE) and in his response to DOC's s51 Report (and s53 comments). Mr Greenaway has not changed his position on kayaking effects and the proposed mitigation and compensation.</p> <p>Further, the CMS, in relation to Hokitika Place and kayaking values, while recognising the high values of the place makes no mention of the Waitaha River. Rather it states (at page 249):</p> <p><i>"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 ..."</i></p>

Section	DOC Comment	Review
		<p>It is agreed by DOC that the proposal is consistent with all other provisions in this chapter, including the need to implement the CGP05 as discussed above. Appropriate mitigation and compensation of kayaking matters as set out by Mr Greenaway ensures the proposal is consistent with this chapter as a whole.</p>
<p>3.6.1.1 Provision and management of recreational opportunities</p>	<p>The DOC assessment concludes that the proposal is inconsistent with provisions under this part, and notes in particular that there will be potential conflict with kayakers and visitors to Kiwi Flat and the inhibition of recreation opportunities on public conservation lands.</p>	<p>These matters have been previously assessed, based on the recreation report and Mr Greenaway's response to the s51 Report and comments, and those assessments have not changed.</p> <p>It is acknowledged that there will be a <u>change</u> to the application area, not to conservation land in general (as provided for in the provisions), however opportunities for a range of recreational activities remains throughout the valley, and across the Hokitika Place, with the scheme in place.</p> <p>Ultimately 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. Mr Greenaway maintains that assessment in his response to the s51 report and s53 comments. 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 whole as a result of the Scheme.</p>
<p>3.6.1.4 Backcountry-remote zone</p>	<p>The DOC assessment concludes that the proposal is inconsistent with <i>Policy 1</i> and therefore <i>Objectives 1</i> and <i>2</i> due to the introduction of infrastructure and change in natural flow</p>	<p>These matters have been canvassed in the initial assessment of the CMS, based on the recreation report. Mr Greenaway has not changed his assessment following the DOC consideration.</p> <p>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</p>

Section	DOC Comment	Review
		<p>recreation) backcountry-remote recreation setting, and flow effects along the abstraction reach. However,</p> <ul style="list-style-type: none"> • 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. <p>Therefore whilst there will be localised effects and for some a change in perception of the river as a whole, 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’.</p>
3.6.4.2 Aircraft	Consistent with all Policies	Agreed
3.6.4. Vehicle Use 17	Consistent with all Policies	Agreed

Section	DOC Comment	Review
<p>3.7.2 Activities on or in beds of Rivers or Lakes</p>	<p>Inconsistent with Policies 1(a) and 1(e)</p> <p>Consistent with all other policies</p>	<p>These matters have been canvassed in the initial assessment of the CMS, based on the recreation report. Mr Greenaway has not changed his assessment following the DOC consideration.</p> <p>Matters related to DOC concerns with respect to landscape and recreation effects are discussed above and those points are relevant here as well.</p> <p>The DOC assessment at paras 6.5.22 and 6.5.24 focus on effects management, ie avoid, remedy, mitigate. However, the outcome to be achieved in 1(a) is that effects “<i>should be avoided or otherwise minimised</i>”.</p> <p>For the reasons discussed above and in the initial CMS assessment it is considered that this outcome has been achieved.</p> <p>With respect to “<i>maintenance</i>” of natural character in 1(e) these matters were again part of the initial CMS assessment which concluded that,</p> <p><i>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.</i></p> <p>Mr Bentley has not changed this assessment in his response to the s51 Report and DOC's comments.</p> <p>It is agreed that the proposal is consistent with other policies in this section.</p>

Section	DOC Comment	Review
3.7.11 Utilities	No assessment is provided by DOC under this section (the section after the heading is left blank) but deferred to consideration of Desired Outcomes (section 4.1)	<p>These matters have been canvassed in the initial assessment of the CMS, based on the recreation report. Those assessments have not changed because of the DOC consideration.</p> <p>The DOC assessment does not consider <i>Policy 1</i> regarding allowance for the “public good” of non-commercial utilities.</p> <p>Consideration of “Place” outcomes has been provided for throughout the initial assessment and the conclusions reached remain.</p>
3.8.4 Public Access	Consistent with Provisions	Agreed
<p>4.1 Desired Outcome for the Conservancy</p> <p>The West Coast Te Tai Poutini</p> <p>4.1.1 Conservancy in 2020</p> <p>Proactive management of conservation values in 2020</p> <p>4.1.1.4 Protection of conservation values from adverse effects</p>	<p>Not consistent</p> <p>No assessment made as discussion to be focused on ‘Hokitika Place’ (see <i>para 6.5.32</i>)</p>	<p>With regard to matters under <i>4.1.1</i> and impacts related to natural character, landscape and recreation it is not agreed that the proposal will prevent outcomes from being achieved conservancy wide by 2020. Potential effects have been assessed at the appropriate scale and where relevant expert reports (including landscape and recreation) have assessed effects at a range of scales. These matters are discussed above and in the initial assessment and the conclusions reached have not changed.</p> <p>No comment is required regarding <i>4.1.1.4 – 4.1.1.6</i> as potential effects are identified in the DOC assessment as being localised and therefore more relevant under consideration of the ‘Hokitika Place’. Having said that these matters do illustrate the position stated in the paragraph immediately above.</p> <p>The DOC comments on the outcomes here, in particular <i>4.1.1</i>, are in conflict with the DOC CGP assessment that the proposal is consistent with <i>Policy 9.1(a)</i> of the CGP with respect to the West Coast Region and the ‘Hokitika Place’ (with which I agree).</p>

Section	DOC Comment	Review
<p>4.1.1.5 of authorised uses in 2020</p> <p>Recreational use and enjoyment of public conservation lands in 2020</p> <p>4.1.1.6</p>	<p>No assessment made as discussion to be focused on 'Hokitika Place' (see para 6.5.32)</p> <p><i>Potentially a decrease in the enjoyment of this area for a small number of recreationalists, especially kayakers, from the adverse effects on natural character and recreation values. ... Therefore, the proposal would not prevent the continued appreciation and enjoyment of the region, but would affect the quality of people's experience of this specific location in the region. (see para 6.5.35)</i></p>	
<p>4.2.6 Desired Outcome for Hokitika Place</p> <p>Indigenous biodiversity in 2020</p> <p>4.2.6.4 People's benefit and enjoyment in 2020</p>	<p>Increased risk of weed incursion and spread</p>	<p>Weed and pest control were discussed in the initial assessment of:</p> <p><i>CGP provisions</i></p> <p><i>4.2 Biosecurity and management of threats to indigenous species, habitats and ecosystems</i></p> <p><i>9.6 Animals,</i></p>

Section	DOC Comment	Review
<p>Hokitika Backcountry-Remote Zone</p> <p>4.2.6.7</p>	<ul style="list-style-type: none"> ▪ Desired outcomes for 'Hokitika Place' largely maintained. ▪ Significant loss of naturalness and remoteness in the Waitaha Valley ▪ Disagrees with level of effect on kayaking ▪ Experiential impact on users of Kiwi Flat and the valley. <p>Agrees that while there will be changes, particularly around Kiwi Flat and the Power Station and persisting throughout the valley, the outcomes sought for the 'Hokitika Place' will still be achieved.</p>	<p>and:</p> <p><i>CMS provisions</i></p> <p>3.3.3.6 <i>Biosecurity and pest management</i></p> <p>3.6.4.3 <i>Animals</i></p> <p>Only 3.3.3.6 provisions were assessed through the DOC review which found that the project was consistent. This is slightly at odds with the comment related to 4.2.6.4, however management is proposed as discussed through the initial assessment and accordingly outcomes will be achieved.</p> <p>With respect to the desired outcomes for the 'Hokitika Place' the DOC review agrees, <i>para 6.5.41</i>, that the outcomes sought for the 'Hokitika Place' will be achieved.</p> <p>The conclusion of the initial Westpower assessment, both in relation to all specific topics and in an overall assessment with respect to the CMS was that the scheme will not compromise the desired conservation "Outcomes" for the 'Hokitika Place'. That conclusion remains.</p> <p>This is also consistent with the DOC assessment of CGP – <i>Policy 9.1(a)</i> as highlighted above.</p> <p>It is important that this agreed position is applied to <i>Policy 3 of Section 3.7.11 – Utilities</i> which has not been addressed in the DOC assessment (see above). Policy 3 requires that:</p>

Section	DOC Comment	Review
		<p><i>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).</i></p> <p>This is particularly relevant in the CMS as it sets the scale at which utilities should be considered with respect to desired outcomes. The scheme achieves requirements of this policy with respect to the 'Hokitika Place'.</p>