

# **New Zealand Conservation Authority – Comments under the Fast-track Approvals Act 2024**

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## **Westpower's Waitaha Hydro Scheme**

### **1. Introduction**

The New Zealand Conservation Authority (NZCA) acknowledges and appreciates the opportunity given by the Expert Consenting Panel (Panel) to comment on this application, pursuant to sections 53(2)(m) and 54 of the Fast-track Approvals Act 2024 (FTAA). The NZCA offers these comments in line with its statutory role as an independent body established under the Conservation Act 1987. The NZCA's responsibilities include advising on matters of national conservation importance, overseeing the development and implementation of conservation strategies and plans, and ensuring the management of natural and cultural resources aligns with the principles of the Treaty of Waitangi.

These comments are based on the application and material required under section 18 of the FTAA, which identifies relevant iwi authorities, Treaty settlement entities, and MACA applicants, as well as the Crown's statutory obligations in relation to existing Treaty settlements and customary rights. The NZCA's views also take into account the Director-General of Conservation's technical advice prepared under section 51 of the FTAA regarding the concession applications and wildlife approval sought for a range of protected species.

In doing so, the NZCA offers a national conservation perspective to help the Panel ensure the application is assessed in a way that protects the environment, statutes, and mana whenua rights. The NZCA acknowledges the significance of infrastructure development at a national level but stresses that such development must not compromise Aotearoa's conservation duties or the Crown's responsibilities under Te Tiriti o Waitangi.

## **2. Application Summary Relevant to NZCA Functions**

Westpower is proposing to construct, operate and maintain a run-of-the-river hydroelectric scheme ('the Scheme') in the Waitaha River, approximately 60 km south of Hokitika. The Scheme is expected to generate approximately 120-140 GWh of electricity per year, equivalent to the electricity needs of approximately 12,000 households. The Scheme consists of low-profile weir and intake structure at the top of Morgan Gorge that diverts up to 23 m<sup>3</sup> /s of Waitaha River water into a 1.5 km long pressurised water tunnel, to a 23 MW Power Station located below Morgan Gorge. An associated access road and 66 kV transmission line corridor will also be constructed to allow site access and transmission of the generated power away from site.

As part of this proposal, the applicant seeks concession that would otherwise be applied for under the Conservation Act 1987 (s42(4)(e)), for short and long-term leases, licenses and easement concessions for the short-term construction and long-term Scheme operation activities.

The proposal also seeks approvals that would otherwise be applied for under the Wildlife Act 1953 (s42(4)(h)) to disturb, handle, and relocate a range of protected species known to inhabit the affected area. Management plans for avifauna, bats and lizards have been developed.

These matters fall within the NZCA's statutory functions to:

- Provide oversight of conservation and wildlife management
- Ensure consistency with DOC's statutory responsibilities and best practice standards
- Uphold Treaty principles in conservation-related decision-making; and
- Advise on matters of national conservation importance, including protecting taonga species and the integrity of landscapes and back-country values.

## **3. History of this project**

In July 2014 Westpower applied under section 17R of the Conservation Act 1987 for a lease, licence and easement concession to construct and operate the scheme. The application included an application for concessions and assessment of effects and 23 appendices.

The decision was made by the Minister for the Environment on 27 August 2019 to decline the application. Westpower has applied for a 'reconsideration' of that decision, and the Minister has not yet decided to undertake that reconsideration process. Westpower submitted a reconsideration application in 2022 after further consultation with DOC. This application was put on hold to pursue a fast-track application. The reconsideration application was retracted by Westpower on 5 September 2025.

In its recommendations to the Minister in 2019, DOC considered that the project would result in severe and permanent damage to the conservation values including the intrinsic values of the untamed, wild and scenic Waitaha River by dewatering its key outstanding feature, the Morgan Gorge; and it places at least 37 native fauna species known to be in the area, including whio/blue duck (nationally vulnerable) and peka peka tou-roa/long tailed bat (nationally critical), at risk.

#### **4. Alignment with Conservation General Policy and Conservation Management Strategy**

The NZCA has considered the application's alignment with the following statutory documents, which guide effects management and values integration on public conservation land:

- Conservation General Policy (2007) – **CGP**
- West Coast Te Tai o Poutini Conservation Management Strategy (2010) – **CMS**

##### **Comments:**

The NZCA does not support Westpower's view that the CGP and CMS should be considered "in the round". The Project must be consistent with all objectives and policies within the relevant planning provisions and statutory tests under the statutory documents by which DOC makes decisions relating to concessions. We do not believe that you can 'cherry pick' which elements you are consistent with.

##### **Conservation General Policy**

The NZCA agrees with DOC that the Scheme is not consistent with several policies of the CGP related to the conservation of natural resources and the effects of activities on conservation values. The identified residual effects of the Scheme are not consistent with the expectations these policies specify, and therefore we agree that the Scheme is not consistent with the Conservation General Policy 2005.

*Policy 4.5. Geological features, landforms, and landscapes*

*(b) 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.*

Many, but not all, adverse effects of the activity can be adequately minimised through the design of the Scheme and conditions, but that the adverse effects on the intrinsic values of landscape at the local scale that cannot be mitigated. The residual adverse effects on landscape values are such that the application is not consistent with Policy 4.5(b).

*Policy 11.1. All activities*

*(b) All activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.*

There will be residual effects from the Scheme regarding landscape and recreation values that cannot be avoided, remedied or mitigated. We believe that the residual effects would make the application inconsistent with Policy 11.1(b).

*Policy 11.3. Utilities*

*(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.*

While appropriate steps have been taken in the design of the Scheme to minimise the footprint, scale and visual impact of the infrastructure, there will be an ongoing effect on local landscape and visual amenity values that cannot be avoided, remedied or mitigated through conditions. On those grounds, the NZCA considers that the application is not consistent with Policy 11.3(b).

We support DOC in disagreeing with Westpower's approach in considering the CGP and CMS holistically as set out in the Assessment of Environmental Effects (AEE) in section 7.2 pages 362 and 363. If the Scheme is inconsistent with some key provisions of the CGP, it is inconsistent with the CGP, and the NZCA considers that the proposal is **not consistent** with the Conservation General Policy 2005.

**West Coast Te Tai o Poutini Conservation Management Strategy**

The NZCA supports DOC in its view that the Scheme is not consistent with several CMS objectives and policies due to the identified recreation and landscape effects. Primarily, the effects on these values mean that the Scheme is overall not consistent with the desired outcomes for the Backcountry Remote Visitor Setting which the Scheme is proposed to be located in.

*Section 3.3.4.3 Management of Geodiversity and Landscapes*

*Objective 1. To protect geodiversity and landscapes from adverse effects of human use or management.*

*Policy 1. 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.*

While all reasonable efforts should be taken to ensure the most amount of vegetation is maintained throughout all phases of the Scheme, the effects on

natural character and landscape values of the near pristine area are not protected and preserved as required by Objective 1 and Policy 1 of Section 3.3.4.3.

#### *Section 3.5 Authorised uses of public conservation lands*

*Objective 3. To protect recreational opportunities from adverse effects of authorised uses of public conservation lands.*

A range of adverse effects of the proposal on recreational activities have been identified in the application, and mitigation measures have been suggested by Westpower. A number of measures are proposed to protect recreational opportunities from the adverse effects of the proposal, however, the direct effect on kayaking opportunities is severe and the proposed 'no-take' days may not eventuate. Given that recreational opportunities for kayakers will be severely affected and can't be fully protected, therefore the application is not consistent with Section 3.5, Objective 3.

#### *Section 3.6.1.1 Provision and management of Recreational opportunities*

*Objective 1. 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.*

*Objective 2. To avoid or minimise conflicts between different users, including people undertaking different types of activities in the same location.*

*Objective 3. To raise awareness of the value (including physical, mental and cultural value) of outdoor recreation for the health of people and communities.*

Section 3.6.1.1 of the CMS largely addresses the provision of recreational opportunities and aims to ensure conflicts between recreational users are avoided or minimised. The policies support the use of the zoning framework to restrict mechanised access and use to safeguard natural, historical and cultural heritage, as well as the ability of the public to experience solitude, peace and natural quiet on Public Conservation Land (PCL). Because this proposal would introduce infrastructure and mechanisation to the Waitaha Valley that affect the natural environment and ability of the public to experience solitude, peace and natural quiet in the local area, particularly at the Power Station site and Kiwi Flat, it is therefore inconsistent with Section 3.6.1.1.

#### *Section 3.6.1.4 Backcountry-remote zone*

*Objective 1. To provide access to a range of recreational opportunities via facilities that enable people to enjoy challenging natural settings in the backcountry.*

*Objective 2. To enable people to access extensive natural settings where:*

*Policy 1. 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....*

The backcountry-remote zone is intended to provide opportunities to access extensive natural settings that provide solitude, isolation, physical challenge and natural quiet in largely unmodified settings. The introduction of significant infrastructure and change in natural flow of the Waitaha River will substantially reduce the backcountry-remote zone characteristics of natural character, minimal mechanised access and low facility provision. The NZCA considers that the proposed Scheme is not consistent with backcountry-remote zone Policy 1 and therefore Objectives 1 and 2 of this section due to the introduction of infrastructure and change in natural flow of the river that permanently alters the sense of solitude and largely unmodified natural setting.

#### *Section 3.7.2 Activities on or in beds of Rivers or Lakes*

*Policy 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;*

*e) The natural character within the setting of the activity should be maintained.*

The proposed methods to avoid or minimise these effects do so to a degree but there remains significant effect on those opportunities. While Westpower has made appropriate efforts to remedy, mitigate or avoid adverse landscape effects, the Scheme inherently detracts from the current very high natural character and landscape values. The effects on natural character and landscape values cannot be fully remedied, mitigated, avoided, compensated for, and so the NZCA considers that the proposed Scheme is not consistent with Policies 1(a) and 1(e).

#### *Section 4.1.1 The West Coast Tai Poutini Conservancy in 2020*

*Within public conservation lands, natural, historical and cultural heritage is protected, maintained and enhanced. People highly value this heritage, understand the need for its protection and are able to enjoy and appreciate this heritage in appropriate ways.*

Recreational opportunities would be adversely affected by the proposed Scheme both in terms of availability and value. The proposed Scheme is inconsistent with the recreational setting in the Waitaha Valley, and the net effect after mitigation measures are introduced would continue to either be high or significant.

The NZCA does not agree that the overall effect on kayaking is low to moderate. The replacement of a wild, free-flowing river with a controlled, regulated system introduces a dramatic change at Morgan Gorge – the centrepiece of the Waitaha Valley kayaking experience, valued by many as a continuous, unmodified journey. The opportunity to kayak the river would remain, however, the key experiential values of the backcountry-remote zone would be severely compromised.

In the same way we disagreed with Westpower's approach in considering the CGP holistically as set out in the AEE in section 7.2 pages 362 and 363, the NZCA also considers that if the Scheme is inconsistent with some key provisions of the CMS, it is inconsistent with the CMS. It is our view that the Scheme is **not consistent** with the West Coast Te Tai o Poutini Conservation Management Strategy 2010.

## **5. Treaty Responsibilities under Section 4 of the Conservation Act**

Section 4 of the Conservation Act 1987 requires that the Act (and all Acts referred to in Schedule 1 including the Reserves Act and Wildlife Act) be interpreted and administered to give effect to the principles of the Treaty of Waitangi. This principle is integral across all aspects of conservation governance.

The NZCA assesses whether the project:

- Recognises mana whenua and their enduring relationship to the affected area
- Demonstrates alignment with Treaty settlement instruments, including statutory acknowledgements
- Involves early, genuine, and culturally grounded engagement with iwi and hapū
- Protects and upholds Māori customary rights and decision-making roles.

### **Comment:**

Section 4 of the Conservation Act 1987 requires that the Act be interpreted and administered to give effect to the principles of the Treaty of Waitangi. This requirement places an active obligation on the Crown and its agents to engage meaningfully with Māori, uphold their rights and interests, and ensure that Māori perspectives and values are fully integrated into conservation-related decision-making.

In this case, the application lies within the rohe of Ngāti Waewae and Ngāti Makaawhio. Both have strong connections to each other and have combined representation via Poutini Ngāi Tahu – the entity that exercises tino rangatiratanga

within, and kaitiakitanga of, the natural and physical resources on the West Coast, including the Waitaha River.

The NZCA notes that Poutini Ngāi Tahu are partners of the Waitaha Scheme which will provide an opportunity for them to reconnect with the whenua and to benefit economically from the project. The NZCA are satisfied that the Section 4 has been met.

## 6. Recreation Values

In their application, Westpower state that some adverse natural character, landscape and visual amenity are considered “more than minor” at the localised scale but none are considered “significant”. For recreation effects, those related to the construction phase are considered significant, but temporary. The applicant believes that because the Scheme does not impact on recreation opportunities once it is in operation, particularly with Westpower’s agreement with Whitewater New Zealand (“WWNZ”) now confirmed (including a payment of \$15,000 per annum), these effects are largely perceptual changes to the “back country remote” experience (a metaphysical effect) for which the area is managed.

The NZCA categorically **opposes** that view.

The Waitaha Valley is recognised as a regionally significant backcountry setting, offering a distinctive combination of accessible remoteness, challenging terrain, and unique features such as Morgan Gorge and nationally significant and internationally recognized Ivory Lake Hut. Importantly, the Waitaha is part of a much larger network of backcountry opportunities across the West Coast, which collectively provides a wide range of tramping, hunting, canyoning and advanced internationally significant kayaking experiences. This means that alternative destinations exist; however, the Waitaha’s particular mix of landscape diversity, extreme whitewater, and iconic alpine environments makes it a special and highly valued component of that regional network.

Low recreational use reflects the Backcountry–Remote management intent and is not a measure of low value. The Waitaha Valley’s primary recreation values are high-quality whitewater and backcountry–remote characteristics, with low use further influenced by difficult access, including the need to cross private land at the valley entrance. Despite this, the valley remains an important part of the wider West Coast backcountry–remote recreation network. From the point where visitors leave their vehicles at the car park, the experience of entering a remote backcountry setting is expected to change. The sense of entering or exiting a backcountry setting will be delayed or truncated, and without effective mitigation.

This loss of naturalness—specifically, the replacement of a wild, free-flowing river with a controlled and regulated system—undermines the experiential quality of kayaking in Morgan Gorge, and the experience of other back country users and is fundamentally inconsistent with CMS objectives, which seek to maintain natural



character and unmodified river systems in Backcountry Remote zones. The effect level is assessed as High—the opportunity remains, but key experiential values are severely compromised. For many users, the Waitaha is valued as a continuous, unmodified river journey; breaking that experience with industrial structures and regulated flows represents a high residual effect, not a low to moderate one in the upper Waitaha Gorge and Kiwi Flat Reach.

NZCA has been advised by Federated Mountain Clubs Incorporated (FMC) that there are a number of factual inaccuracies in the Recreation Report – Appendix 28 to the AEE, which we bring to the Panel’s attention. These include:

1. *The Report does not correctly record the foot access situation to the Waitaha valley. There are two potential legal accessways that traverse farmland between the end of the formed road and public conservation land. One of them is an unformed legal road, the other is a hydro parcel. While neither legal access provides convenient routes for direct access to the Waitaha valley, they nonetheless exist. A comment in the Report that no legal access routes exist due to the state of the current marked route is incorrect. Key Waitaha foot access issues are about practical, reliable and safe access, lacking at present.*
2. *Parts of the Report suggest that the scheme might improve foot access to the Waitaha Valley, and that this might increase recreational use. It appears that this possibility has been considered as a “mitigation” on recreational effects. In fact, Westpower has clarified in correspondence with FMC that it has no intention of facilitating improved foot access with either of the two key landowners, and cannot due to relationship issues. As such, any foot access improvements will be completely separate from the scheme and references to it should be disregarded. For completeness, current foot access is impractical and legally ambiguous. FMC and others are working on these issues currently, but they are longstanding and we currently assess that we have only slim chances of success.*
3. *The Report refers often to the possibility of moving both the Waitaha Valley access track and the Kiwi Flat swing bridge to mitigate the visual effects on recreational values caused by close sights of scheme facilities. However, there is no detail as to where the track or bridge might be moved to, and even if feasibility or fieldwork has established if moving them is possible. FMC members have extensive experience in both track alignment and these particular places. They confirm it is not a “given” that there will be suitable places to build a realigned track or bridge. It seems that the possibility of mitigation in this form should be disregarded.*
4. *The Report assesses the effect on the West Coast kayaking community as low. As a representative body for almost all whitewater recreationists FMC can categorically say that this assessment is not accurate. While we recognise that a “deal” was made between Westpower and Whitewater New*

*Zealand Incorporated (WWNZ), an FMC member, we had no knowledge of this deal. The whitewater community's position on the scheme and "deal" have caused significant fractures in a community that has traditionally been very close-knit. We have also had reports of kayakers being verbally abused and physically threatened in Hokitika. The net effect on the West Coast kayaking community can only reasonably be assessed as "very high".*

- 5. While the Report focuses heavily on the WWNZ-Westpower "deal" and kayaking effects, it fails to meaningfully address effects of other recreational users – perhaps reflecting Westpower's late approach to FMC and insertion of itself into communications with Mr Greenaway. Yet the Report provides in passing that the majority of users are not kayakers, and effects on their recreational values remains very high with little, if any, potential for mitigation. We agree with this conclusion.*
- 6. The Report mentions financial support for hut and track maintenance groups including Permolat and Backcountry Trusts. It also incorrectly ascribes maintenance of the valley's huts to Permolat. FMC is very closely connected with both organisations. We have confirmed with both Trusts that Westpower has not approached them. It seems that reference to these groups, and any sort of implication that they are benefiting financially from the scheme, must be disregarded.*
- 7. Similarly, the Report mentions FMC as a potential benefactor of a fund to mitigate effects. FMC has not been consulted on this, and as far as we are aware, no such fund exists. These references must be disregarded.*
- 8. The Report relies on visitor number statistics on hut book entries. FMC is a national expert of back country hut book information, and holds a wealth of hut book information ourselves. We have established that overall, hut book entries understate hut usage by at least a half, and in places by up to three quarters. We recommend that any numbers used from hut book entries should be multiplied by a factor of 3-4. It is also significant to note that visitor numbers appear to have doubled since pre-covid times. While we have not had the opportunity to analyse Waitaha hut book information in detail, in order that we might provide more accurate information, we will be happy to do so.*
- 9. New Zealand Canyoning Association (NZCA) is an FMC member. We understand that NZCA has not been contacted for comment on the Report. We can confirm that Bartrum Creek and Whirling Water, both of which meet the Waitaha close to the proposed weir site at Kiwi Flat, are both considered world class canyon descents. Canyoning is mentioned in the Report, but in a way that is not proportionate to that world class quality or the growing visitation of those canyons<sup>1</sup>.*

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<sup>1</sup> Letter from FMC President (Megan Dimozantos) to the NZCA, dated 3 September 2025

We note that the only significant change to the Recreation Report is the addition of what is labelled a “peer review” (Appendix to App 28 of the AEE – noting that only the first and last pages of the 4-page ‘review’ are included). That “peer review” was written in 2014, some 11 years before the date of the Report submitted with the application. FMC confirm to NZCA that the review’s author was not aware of his 2014 work being added to the Report.

## **7. Ecological, Species, and Landscape Protection**

The NZCA’s interests include the protection of indigenous species and habitats, including those on or adjacent to public conservation lands, marine reserves, or protected ecosystems.

This includes assessment against:

- DOC best practice guidelines (e.g., species recovery plans)
- The Wildlife Act 1953 (protection of absolutely and partially protected species)
- The Marine Reserves Act 1971

### ***Comment:***

The Waitaha Forest Conservation Area is located within the Backcountry-Remote Zone in the CMS, which prioritises natural character, solitude and minimal mechanisation. The Waitaha Valley is a low-use but high-value recreation setting, offering solitude, natural beauty and character. The primary recreation activities of the Waitaha Valley are high-quality whitewater kayaking, tramping, hunting, hot springs, angling, canyoning and jet boating. Changes to the recreation experience would be significant during the construction phase and high for the lifetime of the Scheme.

Scarring of the landscape from the vehicle access tunnel, installation of powerlines, and access roads will result in high visitor effects along the track below the powerhouse and at Kiwi Flat will continue for the lifetime of the scheme.

The introduction of man-made structures and activity would be a fundamental change to Waitaha Valley’s character and values as a backcountry-remote setting, potentially adversely affecting all users of the Upper Waitaha Valley. The effects beyond Morgan Gorge are not merely perceptual, as all visitors must pass through the construction zone, experiencing direct noise, machinery, fuel odour and visual intrusion. These effects extend well into the Upper Valley, where frequent helicopter operations and the presence of monitoring stations erode naturalness and represent visual intrusion.

The transformation from a wild, free-flowing river to a regulated system represents a very high effect on the recreation setting, which will persist for users in the Upper Valley through perceptual changes. The sense of entering or exiting a backcountry setting will be delayed or truncated. In particular, kayaking in Morgan Gorge would

be severely compromised, tramping, canyoning, hunting and visitors to Kiwi Flat would be adversely affected and no recreational gains have been identified.

The majority of adverse effects on vegetation will occur during the construction stage of the Scheme, though the ongoing adverse impact will remain in some cases. The footprint of the Scheme located on public conservation land is entirely (outside of small sections of marginal strips) within an area of indigenous forest of mixed hardwoods and podocarps, dominated by kāmahī and southern rātā with totara and miro as common elements. Being adjacent to the Waitaha River, it is also within a zone of riparian species including a non-vascular component along exposed boulders of Morgan Gorge.

Surveys by DOC indicate that there are no rare or unusual vegetation species within the areas to be cleared, and that those species present are well represented in the surrounding vicinity. The proposed mitigations are generally satisfactory to mitigate the adverse effects or at least limit those adverse effects as much as practicable by minimising the footprint of vegetation that is removed, avoiding areas identified as having significant ecological values, and rehabilitating vegetation on sites where works are temporary.

The potential adverse effects on these species (whio and bats especially) will predominantly be managed through obtaining the necessary Wildlife Act approvals and adhering to the conditions and operational management plans. DOC has recommended conditions for those authorisations to best manage adverse effects on species.

Overall, DOC's assessment concluded that, subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act. The relevant species management plans include appropriate methodologies for salvage and relocation, identify suitable release sites, and propose appropriate habitat enhancement measures.

DOC noted that the Avifauna Management Plan includes provisions for whio protection but raises concerns about proposed nesting deterrent techniques, which DOC does not consider realistic or practicable. DOC considers clarification of these methods and evidence of effectiveness is necessary. The Plan includes measures to protect nests but only mentions certain species. We note that it is an offence to disturb or destroy the nest of any absolutely protected species under the Wildlife Act, and NZCA suggests that the Panel take this activity into consideration.

Potential adverse effects on avifauna include:

- Injury or mortality during vegetation clearance, traffic or construction
- Habitat loss or modification
- Disturbance from noise, vibration, lighting and human activity
- Disruption to breeding, roosting and foraging

- Specific risks to whio including sedimentation, hearing loss, habitat fragmentation and reduced duckling access over weir structures.

DOC notes that the Bat Management Plan generally aligns with the Bat Protocols but raises concerns about proposed flexibility clauses. The plan states that protocols will be followed “apart from minor variations,” which DOC does not support. DOC highlights that the plan focuses on large trees, whereas the Bat Protocol specifies that any tree over 15 cm DBH with bat features (such as broken bark, holes, or slits) is a potential roost. DOC considers that this definition must be applied consistently. Furthermore, DOC notes that bat activity does not necessarily indicate roosting, and assessing roosting potential requires roost watches, thermal imaging and tree climbing by an approved bat specialist, as outlined in the Bat Protocol. The NZCA agrees with DOC in not supporting the proposal to fell “low-risk” trees at any time of year without reference to the Bat Protocol definition of low-risk trees.

The Proposal represents semi-industrial activity being introduced into a near-pristine and highly natural setting. Even after some time (10 years+) parts of the scheme will remain visible with enduring adverse visual effects. It will never be fully mitigated to view, although over time the built introductions will weather and revegetate which will help. However, there will always be a physical change to the landscape’s elements, patterns and processes and so any adverse effects on landscape character and natural character will prevail so long as the scheme is in place. This will be particularly obvious at the entrance to the gorge where natural elements, patterns and processes are concentrated in one place. Any built intervention in landscape ‘focus points’ such as this will be far more acute than in other less dynamic locations.

## **8. NZCA Position and Recommendations to the Expert Panel**

### ***Applications***

#### **Concession(s) that would otherwise be applied for under the Conservation Act 1987 (s42(4)(e));**

Westpower seeks a term of 15 years from date of approval for a short-term lease and licence concession to construct the Scheme. The 15-year term accounts for ‘any unforeseen project commencement and/or construction delays that may occur’. Westpower also seeks a term of 49 years from the commencement of generation for long term lease, licence and easement concessions for the ongoing operation of the Scheme.

Westpower has not provided evidence for why a 49-year term, specifically, is sought (or required) beyond stating the level of investment and expected life of the assets and Scheme. That is, there is no explanation as to how the applied for term has been arrived at.

The effects of the proposed concession have been assessed, and NZCA considers that the methods for avoiding, remedying or mitigating the adverse effects of the Scheme on natural character, landscape values and recreation values are in some cases inadequate, not agreed upon or cannot be calculated. While Westpower has made appropriate efforts to remedy, mitigate or avoid adverse landscape effects, the Scheme inherently detracts from the current very high natural character and landscape values. The effects on natural character and landscape values cannot be fully remedied, mitigated, avoided, compensated for or offset despite Westpower's efforts.

**Wildlife approvals that would otherwise be authorities applied for under the Wildlife Act 1953 (s42(4)(h)); and**

Construction of the Scheme will affect habitat which supports, or potentially supports, a number of animals protected under the Wildlife Act. While the Applicant proposes to undertake best practice approaches to avoid disturbance of bats and avifauna (e.g. by avoiding removal of large diameter trees where practicable and adopting DOC bat protocols), application for a wildlife approval is sought to authorise the following activities:

- To catch, handle, salvage, and relocate native lizards listed in Schedule 4 from the Scheme footprint;
- To gently guide who / blue duck away from blasting and helicopter use areas;
- In the unlikely event if it is required, to capture, handle and relocate avifauna and long-tailed bats listed in Schedule 5 in accordance with the AMP and BMP.

The NZCA is satisfied that systems agreed with DOC will satisfactorily mitigate any adverse impacts resulting from the development.

***Recreation values***

As it currently stands, the Waitaha Hydro Scheme proposal and the measures proposed to avoid, remedy and mitigate effects on recreation values do so to a degree but there remain significant effects on those recreation values. The measures offered do not address the fundamental loss of natural character, solitude, and remoteness that underpin the valley and objectives of Backcountry-Remote Zone.

The scheme includes a low weir and intake, water-conveyance tunnel, vehicle access tunnel, Power Station, switchyard and tailrace, access roads, transmission lines, construction yards, signage, and monitoring stations—all requiring ongoing maintenance. The Public Conservation land within the Waitaha Valley is low-use but high-value recreation setting, offering solitude, natural beauty and character, and challenging terrain. It supports a range of activities, including internationally significant extreme kayaking in Morgan Gorge, numerous remote tramping opportunities including to the iconic Ivory Lake Hut - a benchmark for remote wilderness experiences, and emerging canyoning experiences in Whirling Water.

Hunting, hot springs, angling, and jet boating also contribute to the valley's recreational values.

The proposal introduces temporary construction effects and permanent infrastructure and activity levels that conflict with the CMS objectives for Backcountry–Remote zones, which prioritise natural character, solitude, and minimal mechanisation. Effects will be greatest during the first three to four year construction phase, when construction noise and human activity, especially at the Headworks and Power Station site, will be incompatible with the experiences associated with a remote recreation setting at and around the construction sites.

From a recreation perspective, the proposed scheme introduces permanent infrastructure and activity levels that conflict with CMS objectives for a Backcountry–Remote Zone. Kayaking in Morgan Gorge would be significantly diminished despite mitigation or compensation, and other recreation values—particularly tramping, hunting, and visits to Kiwi Flat—would be adversely affected by infrastructure and reduced river flow. No clear recreational gains, such as improved public access, have been identified. While mitigation measures include design adaptations, minor track realignment, and user group engagement, the combined residual effects on the recreation setting remain high for the life of the scheme.

#### ***Compliance with statutory documents – CGP and CMS***

The NZCA has identified Objectives and Policies within the CGP and the CMS that this project is inconsistent with. **We strongly believe that this should mean the project should not proceed.**

If the Panel decides to grant FTAA approval, then we ask that the Panel incorporates enforceable conditions to uphold the principles of the General Policy for Conservation and the purpose of the Conservation Act 1987, as set out within the West Coast Te Tai o Poutini Conservation Management Strategy 2010.