

File ref: FTAA-2505-1069

4 February 2026

Jon Bright  
Project Director  
Westpower Limited

By Email:

[REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]

Tēnā koe

**Request for information from Westpower Limited in relation to the Waitaha Hydro application under the Fast-track Approvals Act 2024 (RFI#5)**

The Waitaha Hydro Expert Panel (the Panel) has directed the Environmental Protection Authority (**EPA**) to request further information from you under section 67 of the Fast-track Approvals Act 2024 (**the Act**), relating to the Westpower Limited application.

**1. Morgan Gorge – Landscape Effects of Reduced Flow**

The Application proposes a minimum residual flow of 3.5 m<sup>3</sup>/s would be maintained in the Morgan Gorge, which the Hydrology Report estimates will occur for around 66% of the time, or 241 days per annum. The Panel acknowledges that there are qualifiers around those figures. This compares with a natural flow which is above 4.8 m<sup>3</sup>/s 100% of the time and is around 20m<sup>3</sup>/s 50% of the time (Figure 1 of the Hydrology Report).

Mr Bentley in his Landscape Assessment (page vi) considers Morgan Gorge is a feature within the outstanding landscape. The Panel acknowledges that Mr Bentley reaches a conclusion that “*the effects of the Scheme on Morgan Gorge will not affect the overall biophysical, associational and sensory values of the gorge to a significant degree and, therefore, will not reduce its 'outstandingness' as a feature*” (page vi). However, it is unclear to the Panel what degree of effect Mr Bentley considers the level and period of reduced flow (as referred to above) would have on the visual, landscape and natural character of Morgan Gorge itself as a feature (rather than the broader abstraction reach).

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In addition to the above, the Panel would also like to understand whether Morgan Gorge can be viewed from vantage points other than the swing bridge and the hot springs (for example from other parts of the walking track).

The Panel therefore requests that:

- a) Mr Bentley provides an assessment of the impact of the reduced flow through Morgan Gorge on visual, landscape and natural character; and
- b) the vantage points from which Morgan Gorge can be viewed are confirmed.

## **2. Sirens**

The AEE (page 100) refers to “*installing sirens to warn the public of potential sudden river flow changes within the abstraction reach and at the Power Station, associated with a Power Station trip event.*” However, the Public River Safety report indicates “*While a siren will be utilised at the Power Station, it’s unlikely to be heard at the hot pools*” (para 8.7). This suggests there is only one siren and that it will not be heard within the abstraction reach.

The Panel requests that the Applicant clarify:

- a) The number of sirens proposed;
- b) Whether any siren(s) will be able to be heard within the full abstraction reach.

## **3. Concession term**

There are two issues in relation to the concession term on which the Panel seeks further information.

Firstly, in relation to the short-term concession for construction, an explanation of why both a 10 year lapse date and a 15 year term is required, when construction is expected to take less than four years.

Secondly, in relation to the separating of the concessions into separate short-term (construction) and long-term concessions (operations), each with a separate term (15 v 49 years) – the latter to commence once construction is complete, the Panel seeks the Applicant’s legal counsel respond to the following matters:

- a) how the short-term and long-term lease/licence sought for occupation differ – for example do they apply to different areas, involve exclusive/non-exclusive possession, etc.
- b) in terms of issuing long-term concessions (lease/licence/easement) for operation with delayed commencement dates (of 20 years) whether:
  - i. there is any restriction in the Conservation Act on issuing a concession with a delayed commencement date;
  - ii. there are any relevant examples of concessions being granted with delayed commencement dates like what is sought (the Panel would encourage liaison with DOC on this point).

#### 4. Compensation – CPI adjustments

In paragraph 5.33 of Attachment 15 to Westpower Memorandum #7, it is stated that Westpower does not accept DOC's request to apply CPI adjustments to all annual compensation payments. No reasoning is provided. The Panel is aware that CPI adjustment conditions have been applied in other fast track decisions (such as Waihi North and the Southland wind farm). Accordingly, the Applicant is requested to:

- a) advise whether it considers the Panel has the power to impose a CPI adjustment condition for both the relevant resource consents and the long-term concessions;
- b) advise whether it is relevant for us take into account the approach other panels have taken to CPI adjustment conditions;
- c) confirm the reasons it considers CPI adjustments are not required; and
- d) confirm when annual compensation payments would be required to start under the various approvals – i.e., following grant or for the long-term concessions, following formal commencement (i.e., up to 15 or 20 years post the grant of consent).

#### 5. Conditions

The Panel understands that further discussions are continuing with DOC and that the Applicant expects to be in a position to provide an update by 13 February 2026. The Panel requests that a full further set of conditions for all approvals is filed (in word format) by that date as follows:

- a) All condition wording agreed as between the Applicant, DOC and the Councils is shown as plain text (i.e. not marked up);
- b) For any areas where there remains disagreement:
  - i. The Applicant's preferred condition wording should be tracked in and highlighted one colour;
  - ii. DOC and/or the councils preferred condition wording should also be tracked in with a different highlight colour used for each party; and
  - iii. Each separate change is accompanied by a comment bubble noting the reasons for the disagreement. Where the reason mirrors a reason given for an earlier change, cross-referencing is fine provided the comment bubble number is specified to make it clear which earlier comment applies.

Please provide the further information to the EPA by **13 February 2026**.

If the information requested is not received, the Panel must proceed as if the request for further information has been declined.

Please note, the information will be provided to the Panel, and every person who provided comments on the application. The information will also be made available on the Fast-track website.

If you have any questions, please contact Application Lead, [REDACTED] by email at: [info@fasttrack.govt.nz](mailto:info@fasttrack.govt.nz)

Nāku noa, nā

[REDACTED]

**Application Lead**