

**APPENDIX G2: SUMMARY OF COMMENTS ON CONDITIONS | ĀPITI HANGA G: WHAKARĀPOPOTOTANGA O NGĀ TĀKUPU MŌ NGĀ HERENGA**

Notes:

1. Table 1 is organised by person and includes the comments from parties (other than WCRC, DOC and the Applicant) on the Panel’s draft conditions together with the Applicant’s response and the Panel’s determination. This is due to there being very few substantive comments by these parties on conditions.
2. Table 2 is organised by approval and condition numbers and includes the comments from WCRC, DOC and the Applicant, the Applicant’s response WCRC and DOC) and the Panel’s determination. This is due to there being overlap from these parties on various conditions.
3. References to condition numbers in the comments on conditions column are to the Panel’s draft condition numbers in its 13 March 2026 version rather than as amended by the Applicant or party (e.g. through deletion or addition of conditions).

**Table 1: Party comments (other than WCRC, DOC and Applicant) on conditions, Applicant response and Panel Determination**

Person	Comments on Conditions	Applicant Response	Panel Determination
<b>Granite Developments Ltd (Susan and Mervyn George)</b>	Request that heavy duty blinds and resilient acoustic flooring be supplied and installed to mitigate noise and light issues.		Not warranted based on technical evidence provided to Panel.
<b>Minister for the South Island and Hunting and Fishing</b>	No comments to make on conditions but continue to support Project.	Noted support.	Noted.
<b>Tāwhiri-Mātea Ltd</b>	Concern remains about areas of gravel extraction, the impact this has on others, and want to ensure proper consultation as Project progresses.		No further gravel extraction conditions considered necessary based on the technical evidence.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Person	Comments on Conditions	Applicant Response	Panel Determination
			Conditions include requirement for project website/virtual info source to keep community informed, and there are specific requirements for certain management plans to include complaints procedures.
<b>West Coast Tai Poutini Conservation Board</b>	Appendices A and B appear appropriately provided for under RMA requirements.		Noted.
	Appendix C concession activity descriptions and types appear appropriate.		Noted.
	Appendices D1, D2 and F grammatical errors need correction.		Corrections made.
	Appendix E Document is incomplete as AMP, BMP and LizMP are not included and there is no information on the Bat Roost Protocols.		Reference is included to plans but they are not attached given the plans need to go through a certification process. Bat Roost Protocols are attached to the Decision.
	Appendix G provides excellent summary of comments.		Noted.
<b>Westland District Council   Te Kāhui o Poutini</b>	It is unclear why there is reference to the conditions applying to “regional consents” at the start of Schedule 3 of the district consents when the reference is to land use consent activities.	Agree with WDC. Suggest deleting ‘regional’ and ‘in relation to land use consent’ and replacing with ‘...land use consent	Accepted, and change suggested by Applicant made for clarity.

Person	Comments on Conditions	Applicant Response	Panel Determination
		held by Westpower Limited authorising...'	
<b>Minister for Rural Communities</b>	Strong supporter of the Project given important local energy resilience and benefits it will provide. Consider draft decision reflects balanced assessment and appropriately recognises the wider public benefits.	Noted support.	Noted.
<b>Minister for Māori Crown Relations and Māori Development</b>	Support the decision and conditions.	Noted support.	Noted.

**Table 2: WCRC, DOC and Applicant comments on conditions and Panel Determination**

Condition	WCRC	DOC	Applicant comments	Panel Determination
<b>Resource consents</b>				
<b>General</b>				
	Inconsistent use of wording 'shall' v 'must' – must is preferred.		Agree with WCRC. Inconsistent use of 'shall' and 'must' - request is changed to 'must' throughout.	Accepted in part. Where a condition is directive (requiring the Consent Holder to do something) 'shall' has been changed to 'must.'

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
	<p>WCRC prefers that management plans are approved rather than certified, and that direction is given as to who will approve them (e.g. the compliance team).</p>		<p>Disagree with WCRC. Approval is the Panel’s role, whereas certification is undertaken against the relevant consent conditions and is current best practice. Councils can commission expertise to assist if expertise is not held in-house.</p>	<p>Agree with Applicant for the reasons stated. Certification rather than approval remains in the conditions but advice notes have been added to clarify the certification role. Refer CC9.</p>
	<p>Conditions include material that appear to regulate private arrangements between third parties and are not consistent with ss.108(10) and 108AA. Conditions should meet DICE (defensible, intra-vires, certain, enforceable) principles, have a direct connection to adverse effects, give effect to an applicable rule, or relate to administration matters. Particular conditions of concern are CC10, CC33(e), CC33(f), RC69 and RC130-135. There would be little to prevent a consent holder from seeking to cancel or vary those conditions via a s.127 process given the</p>		<p>Disagree, while conditions are complex this reflects the nature and scale of the Project and its effects. The conditions are lawful, relate to avoiding, remedying or mitigating adverse effects or compensating for such effects on the environment, and are consistent with best practice. The outcome of any s.127 is not a given.</p>	<p>Acknowledge WCRC’s concern. However, agree with Applicant regarding lawful. Such compensation conditions are enabled under the RMA, and the changes made to conditions to require reporting on payments etc, address enforceability issues.</p> <p>Any future s.127 process would need to be assessed on its merits at that time.</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
	absence of an effects-based justification.			
<b>Definitions</b>				
Bank			Amend definition of 'bank' to refer to as defined in the 'operative TTPP' given it is currently subject to appeal.	Not accepted, as there may be a legal issue with updating a definition post the determination of an appeal.
Commencement Date			Update 'commencement date' definition to reflect what s.97 of the FTAA says.	Accepted, and change made to correctly reflect the FTAA provision.
Consent Holder			Request to delete definition of 'consent holder' as it would restrict a subsequent transfer of the resource consent and require a s.127 variation.	Accepted, as transfers are dealt with under different provisions of the RMA, and the intention was not to limit those other provisions.
Monitoring Plan			Request new 'monitoring plan' definition and deletion of advice notice from CC12 for clarity.	Accepted, as adds clarity.
Operation / Operational			Request replacement of definition of 'operation/operational' to refer to commissioning being completed and the Scheme having commenced generation.	Accepted, for clarity reasons.

Condition	WCRC	DOC	Applicant comments	Panel Determination
<b>Common conditions</b>				
CC4 – Project website / virtual information source			<p>Amend (h) to add 'during maintenance' to avoid duplication with (d) and as the Consent Holder is not responsible for general track access status.</p> <p>Delete 'water tunnel diversion flow' in CC4(k)(iv) as it is the same as 'station inflow' which is already separately covered.</p>	<p>Accepted change to (h), and also added the word 'construction' as these changes better clarify the bounds of the Consent Holder's responsibility.</p> <p>Deleted (k)(iv), to avoid duplication. But advice note added to clarify that the 'station inflow' includes all flows at the Power Station including the bypass valve when it is being used.</p>
CC7 – Management and monitoring plans (certification by consent authority, submission dates and review by SQEP)		<p>Add new advice note regarding the same AMP, BMP, FEMP and LizMP being able to be prepared to address all relevant legislative requirements (i.e., under the Freshwater Fisheries Regulations, the RMA and/or the Wildlife Act), and that where that occurs provide DOC with a joint certification role.</p>	<p>Reject, DOC's request for advice note as DOC has opportunity to provide feedback before certification by relevant consenting authority.</p> <p>Amend Tables 1 and 2 to enable a management plan to cover more than one Project Construction Work Component where a plan is required, to avoid having to produce separate plans for each component.</p>	<p>Disagree with DOC's request for the addition of an advice note, as the Panel has determined joint certification is not appropriate for the reasons set out in Part L of the Decision.</p> <p>Accept Applicant request to amend the tables to enable a management plan to cover more than one Project Construction Work</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				component, as this will enable efficiencies and avoid an unnecessary administration burden.
CC9 – Management and monitoring plans (certification by consent authority, submission dates and review by SQEP)	Include reference to a copy of the consent being made available to the SQEP.	Amend (c) so that it reads 'include commentary in accordance with CC10', as the whole of CC10 is relevant to the requirement.	Agree with DOC's change on the basis that the Panel is not approving the selected final management plans, and as all management plans now require DOC feedback.	WCRC change not accepted as the SQEP is required to prepare the management plans in accordance with the conditions, so the addition is redundant. Advice note clarifies this.  DOC's change not accepted as CC10(e) is the relevant reference, however clarifying changes have been made to CC10 regarding scope of that role.
CC10 – Comments by DOC on selected management plans	Query raised about enforceability of (f) given it requires the Consent Holder to meet DOC's review costs.	Amend (a) to require the Consent Holder to invite the DOC liaison officer to review the management plans and provide written confirmation that they meet the requirements.	Agree with requiring an invite to the DOC liaison officer to provide feedback in (a) but disagree with extending that to providing written confirmation that they meet the requirements. This is ultra vires given it requires an action by a third party. Also include 'recertification' in (a) to cover off if plans are recertified.	DOC request for (a) accepted in part. Amended to refer to the DOC liaison officer, but have not included reference to 'written confirmation that they meet the requirements' as this is the role of the certifying council.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			<p>Disagree with WCRC, as (f) is an <i>Augier</i> condition agreed between Westpower and DOC.</p> <p>Also clarify that it is costs relating to feedback on management plans for the Project Construction Work Components.</p>	<p>Agree with the Applicant’s request to include ‘recertification’ in (a) as the same process should apply for plans requiring recertification.</p> <p>Accepted Applicant view that (f) is an <i>Augier</i> / s.108AA condition and therefore lawful. Amended as sought by the Applicant to refer to the Project Construction Work Components listed in CC10(a) as this clarifies the scope of the feedback.</p>
CC11 – Plans required for each construction work component			Typo in (a) should be ‘Table 3’.	Accepted and correction made.
CC16 – Amendments to plans	Reword to require submission to council for approval and clarify meaning of minor amendments.		Disagree with WCRC request, as this condition and similar variants have been used successfully throughout New Zealand.	WCRC request not accepted, as the relevant council is able to confirm whether changes are minor when it reviews the plan, and certification remains as a requirement for any more than minor changes. However, minor wording

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				changes made for clarification purposes.
CC26 – Indigenous vegetation disturbance limits			Table 6 – sum error.	Accepted and correction made.
CC30 – Emergency sirens	Siren condition relates to health and safety. It is unclear how people will know the meaning of the siren. Query re whether signage required.		Signage will be installed and health and safety of people is a relevant effect in WCRC jurisdiction for diversion and discharge consents.	Clarification made by adding new subparagraph (c) requiring signage alerting the public to the presence and purpose of the sirens.
CC33 – Annual report	Delete (e) and (f) as compensation to third parties not relevant to WCRC or something can enforce.		Disagree with WCRC. Compensation is a relevant and common effects management method commonly used in conditions, and the conditions require reporting on that.	Agree with Applicant. Consider conditions CC33(e) and (f) to be appropriate as they relate to reporting on actions undertaken by the Consent Holder for compensation steps which have been included to address effects.
<b>Regional consents</b>				
RC6 – Lapse, expiry and exercise of consent; and RC7 –	Insert advice note re council email address for notifications and require	Amend RC7 to also require notification to DOC of any fuel spillage to ensure DOC is informed.	Agree with requests from WCRC and DOC.	Accepted WCRC change, and advice note included for cons.RC6 to RC8. Also, given RC7 requires 'immediate' notice we have

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
Notification of non-compliance and fuel spill	notification to be 'in writing'.			<p>added that WCRC should be called as well as emailed.</p> <p>Disagree with including consent requirement to notify DOC as it is in concessions, but added advice note referencing that.</p>
RC9 – Sediment losses	Delete from 'where practicable' onwards.			<p>Accepted in part. Have deleted text as sought but added 'or otherwise minimise' after the word 'avoid' as it may not be possible to avoid all sediment discharges, and conditions have to be capable of being complied with.</p>
RC11 – Recreation access track		Amend to require the location and design of the alternative access track to be approved by DOC.	Disagree with DOC having an 'approval' role as that is ultra vires. Condition as drafted by DOC could be used by DOC to require its preferred option on the true left of the river – which has been rejected by the Panel. Conditions already provide for	Disagree with DOC request as the indicative location of the track was included and assessed in the Application, and the final location will need to be in general accordance with that.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			<p>consultation with DOC on final location which is sufficient.</p> <p>The condition should however be relocated to the land use consent conditions.</p>	<p>However, we have accepted the Applicant's request and moved this conditions to the land use consent (DC7A).</p> <p>We have also added an advice note regarding the purpose of the track and the impact of any changes to its location.</p>
RC12 - DMP			Numbering error.	Accept and correction made.
RC13 - DMP	Include requirement for dust monitoring gauges.		Disagree, given the absence of sensitive receivers nearby – this is significantly more onerous than necessary, and WCRC did not call any evidence to support such a request.	Disagree with WCRC request given that no expert evidence was produced indicating that such gauges are necessary, and given the DMP condition (RC12) already requires identification of sensitive receivers, methods to control dust and protocols for responding to complaints.
RC14 - ESCP	Insert word 'avoiding' before 'release'.			Accepted but also added 'or otherwise minimising' to recognise that it may

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				not always be possible to avoid.
RC16 – Land based gravel extraction	Insert reference to 'gravel extraction' so that the council is notified prior to start of such works.			Accepted, as it is consistent with requiring notification in advance of other ground-disturbing works.
RC18 – Land based gravel extraction and RC29 – Gravel extraction limits	Need to clarify timeframe of extraction limit for gravel.		The timeframe is for the duration of the consent.	Agree, and timeframe added that the limit applies for the duration of the consent.
RC19A (new)		New condition to restrict lizard habitat clearance outside of approved lizard management season in areas subject to pre-clearance salvage. This is to limit the potential killing of lizards if winter works are to be undertaken in an area containing a lizard hotspot.	Disagree, as lizard effects will be appropriately managed through a LizMP.	New condition not accepted. But added advice note in lizard management plan condition (DC58) regarding timing of construction works and lizard salvage clearance. Also, as noted elsewhere, a further SQEP review step has been added for this LizMP and certain other management plans.
RC24 – During earthworks	During earthworks require repair of any instability or			Disagree, as it may not always be practicable to do immediately – for example if the weather conditions

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
	collapsed areas 'immediately'.			do not permit it. Conditions need to be capable of being complied with. Left compliance as 'as soon as practicable'.
RC25 – During earthworks	Delete reference to 'above natural background levels of the receiving site' in (c) as it is difficult to determine and therefore enforce.		Disagree with WCRC, as the onus is on the consent holder to demonstrate this.	Disagree with WCRC as this is in accordance with standard practice throughout the country.
RC32 – Pre-gravel extraction activities			Add qualifier to (c) works cessation condition that the reason for the distress must be linked to activities authorised by the consent.	Accept qualifier is appropriate. Change made to refer to 'Project' activities.
RC34 – Gravel extraction operations	Change 1wd to 5wd notice.			Accepted, as this period is consistent with the notice required for other land disturbance activities in RC16 above.
RC37 – Gravel extraction operations	Change the restoration requirement from at least 5wd to immediately after completion of extraction operation.		Disagree with WCRC as some time will be needed before commencement of restoration to remove equipment, and in case of inclement weather. There are no concerns concerning environmental impacts	Disagree with WCRC request, as this may not be practicable, and 5wd provides flexibility if for example weather

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			associated with having a maximum 5wd period.	conditions prevent immediate rehabilitation.
RC40 – River gravel extraction reporting	Query whether returns should be 6 monthly rather than annually to align with new consents.		Disagree with WCRC (but no reasons given).	Accepted WCRC request as it is appropriate to align with WCRC’s standard practice of 6 months, and the Applicant provided no reasons as to why a 6-monthly period should not be adopted.
RC41-43 – Take, limit, cessation and fish screen	Query whether conditions required regarding measuring/monitoring of water take maximum of 1,728m <sup>3</sup> per day.		Disagree with WCRC (but no reasons given).	In response to WCRC concern, inserted new condition 41A that any monitoring location(s), monitoring parameters and details are to be submitted to WCRC for their information prior to any construction water take.
RC46 – Fish screen/passage	Query whether SQEP should supervise diversion work.		Agree with WCRC, that SQEP should supervise these works and this is already required by RC49.  Insert words ‘For any diversion pumping activities’ at start of the condition to clarify the extent of requirement.	No change to cn.46 required as SQEP is required to supervise under RC49.  Accept insertion sought by Applicant as it clarifies the scope of the obligation.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
RC54 – Discharges to land	Delete word 'direct' before discharge.		Disagree with WCRC, given concrete batching plant adopts ground soakage its possible there will be indirect discharges via groundwater/baseflow.	Disagree with WCRC, as this change would broaden the condition to include all discharges, which it may not be possible to comply with.
RC57 – Retention pond/ground soakage facilities	Design plans should be done by SQEP.		Agree with WCRC.	Accept, and requirement included.
RC58 – Discharges to air	Add in 'use of on-tool extraction'.		Disagree with WCRC as it is not clear what the requested addition refers to.	Not accepted WCRC change as it is not clear what clear what 'on-tool extraction' means.
RC63 – Spoil disposal management	'Spoil' not 'soil'.		Agree with WCRC.	Agree. Correction made.
RC66 – Site specific seismic hazard assessment			Amend (d) to add further text clarifying that constraints associated with groundwater diversions into the access tunnel are included and to require recommended design parameters to address those issues.	Accepted the change as it adds clarity, and provides mechanism to address.
RC68 – Weir and intake structure design	Add in fish passage consideration.		Reject WCRC request as fish passage performance is covered	Disagree with WCRC for the reasons given by the Applicant.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			<p>by RC71. RC68 is about consultation.</p> <p>Insert word 'final' in the chapeau before weir to clarify the final report is distinct from any revised report.</p> <p>Typo 'whio' in (c).</p> <p>Add in reference to health and safety to clarify the scope of the required consultation with WWNZ relating to portage.</p>	<p>Accept Applicant addition, for clarity reasons.</p> <p>Typo corrected.</p> <p>Added in reference to health and safety as it clarifies the scope of the obligation.</p>
RC69 – Weir and intake structure design	Seek deletion as this is not a WCRC agreement to manage, and should not be in the consent.		<p>Disagree with WCRC relief but no reasons given.</p> <p>Delete reference to reimbursement of DOC costs as there is no consultation requirement in RC68.</p>	<p>Disagree with WCRC, as it is a s.108AA condition linked to compensation for effects.</p> <p>Applicant's request not accepted, as RC68(c) requires consultation with DOC.</p>
RC71 – Final weir and intake structures design report			<p>Add qualifier of 'material' in (b)(ix) as there may be a large number of immaterial changes.</p>	<p>Disagree, as there is already a requirement for the design to be 'in general accordance', and 'material' changes may go beyond that.</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
RC73 – Final weir and intake structures design report			Change timeframe to 6 months to recognise scale and complexity of structure.	Amended, for the reasons given by the Applicant and cross reference corrected.
RC74 – Alterations to weir and intake structures			In (a) delete wording from “that the results, and any recommended changes to the design do not exceed the conditions of this consent”, as the meaning is unclear and changes may exceed conditions of consent.	Accepted in part, and amended wording to reflect that any changes are in general accordance with the conditions of the consent. Any changes beyond that may require a change of conditions.
RC87 - Streamworks	Should be ‘no concrete’, rather than ‘no wet concrete’ and should be no concrete dust or residue in waterways.		Disagree with WCRC as solid concrete will be placed in waterways. Further, when the weir is being constructed there will be construction plant in the dewatered waterway.  Qualify the restriction by inserting ‘flowing water within’ a water body, to enable compliance. Water is to be diverted around areas being concreted.	Disagree, with deleting qualifier ‘wet’ as this would frustrate the Project since tunnel structures are concrete. Advice note added regarding concrete activities occurring at the batching plant which is subject to separate consent conditions.  Agree, with inserting reference to ‘flowing water’ since condition must enable be capable of being complied with.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
(New) RC87A - Streamworks		Insert new condition restricting in-stream works during peak spawning and migration times for native fish species. While it is included in the fisheries approvals, as it relates to undertaking of activities authorised by the resource consent it should also be included here.	Disagree with DOC's proposal as the effects are managed through the Freshwater Fisheries approval, and DOC's proposed new condition is not consistent with the wording of the Fisheries approval.	Disagree with DOC's request as it duplicates requirement under the Freshwater Fisheries Approvals. However, advice note added to RC83 which refers to that requirement.
RC92 - FEMP	FEMP should include details of SQEP who did the surveys.		Disagree with WCRC as the FEMP is required to be prepared by a SQEP.	Agree with WCRC that it is appropriate to specify which SQEP undertook the survey, so have included. Advice note added to refer to fish passage conditions.
RC93 – Scheme diverted water management	Needs requirement to install/maintain measuring devices which should be monitored.		Disagree with WCRC, as covered by RC126.	Disagree with WCRC, but advice note added regarding the location of monitoring conditions for operations.
RC97 – Scheme diverted water management			RC97 – amend condition to add a further deviation from ramping requirements for unplanned emergency station outages.	Agree, emergency station outages are appropriate to add as an exception to ensure the condition is able to be complied with.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
RC100 - Scheme diverted water management	Query re how flow rate of 200L/s will be measured.		<p>WCRC request not relevant as Westpower has already sought to delete the 200L/s limit, given actual flow is uncertain and is addressed under RC66.</p> <p>Include reference to a swale.</p>	<p>Deleted 200L/s limit given flow unknown and on the basis of the amendments made to RC66 which provide a process to identify constraints and provide recommended design parameters.</p> <p>Reference to swale included for clarification.</p>
RC102 – Ramping rate effects			Delete and make edits to RC103 to avoid duplication as fish stranding trial matters can be included in RC103.	Agree, as it avoids unnecessary duplication, and amendments made to RC104.
RC104 – Ramping rate adaptive management report	Should require fish monitoring to be done by a SQEP.		<p>Reject WCRC request as SQEP required by RC103.</p> <p>Change (b)(ii)(3) to be a new (iii) instead so that it captures effects on fish and river safety.</p>	<p>Disagree with WCRC’s insertion for the reasons given by the Applicant.</p> <p>Agree with Applicant change as that aligns with what was intended.</p>
RC105 - Ramping rate adaptive management report and RC139 – Public	Timeframe of 60 days should be removed and instead the period be left open.		Disagree, 60 days is an appropriate amount of time for WCRC to determine if a review is required while providing Westpower with a sufficient level of certainty.	Disagree with WCRC, as it is important that the obligation is timebound for certainty reasons.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
river safety risk report				
RC106 and RC107 – Scheme residual flow	Query re how the residual flow is measured.		Residual flow is addressed in RC126.	The methods for monitoring/measurement are required to be set out in the Monitoring Plan (cns.RC108 and RC126).
RC108 - SOMP			Amend (b)(x) to add 'under condition RC128' at the end for clarity.  Limit the requirement in (b)(xvi)(5) for the complaint record to just those activities 'known to the consent holder' to improve clarity.	Accepted the change to (b)(x) (with a minor wording change) as it provides clarity. Also accepted the change to (b)(xvi)(5) as the Consent Holder can only be responsible for recording the complaints it is aware of.
RC109 - SOMP	Five years is too long given how much things will change. Consider SOMP should be reviewed annually.		Reject WCRC request as no reason to assume things will change markedly over the course of the Project. Typically once bedded in, hydro operations change very little, and the condition does not restrict more frequent reviews by Westpower.	Accept WCRC request in part, and amended to annual review for the first five years, and five yearly thereafter. This is to reflect it may, as the Applicant acknowledged, take time for the Scheme to bed in.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
RC110 – In-stream works and no-take days			Limit the restriction on undertaking in-stream sediment excavation on no take days to works within the river at or above the Headworks. This is to clarify it does not apply to other tributaries.	Not accepted, given the small number of no take days per annum and the ability each party has to cancel the no-take days.
RC110A – In-stream works and no-take days		New condition to require notification to DOC prior to any in-stream excavation works above the Headworks to ensure DOC is aware of the works.	Partially agree with DOC request and consider reasonable for any 'planned' works. Suggest inserting 'planned' to make that clear.	While there is already a requirement for such information to be included in the Project website (CC4), we accept it is appropriate to add the new condition. We do not accept it is appropriate to limit it to 'planned' works as it is unclear what 'planned' means. This will ensure DOC receives direct notice of such works which it can then make available to its networks should it wish to do so.
RC111 – In-stream works review report	Suggest 12 rather than 15 times per annum is trigger. And it is too long to wait five years to determine there is an issue.	Amend to add a new (a) and (b) which cap the number of in-stream excavation works to 15 times per annum of a maximum duration of 4 each, and to require a	Disagree with WCRC suggestion, which has been made without knowledge of the considerable discussion on this topic.  Disagree with DOC suggestion re imposing a cap which is	Disagree with WCRC as there is no evidence in support of 12 being an appropriate number. Also disagree with capping the number of excavation events to 15 times per

Condition	WCRC	DOC	Applicant comments	Panel Determination
		<p>yearly report to enable council to determine whether to review the consent.</p> <p>Amend to change the word 'frequency' to 'number' and delete the word 'root'.</p>	<p>unworkable as the Applicant cannot control the frequency of large floods/natural events that may generate additional sediment. This issue is instead addressed through conditions requiring monitoring, 5-yearly reporting, and review.</p>	<p>annum, as Westpower's expert evidence is that the precise number will depend on the weather. The number of excavations, duration and spatial extent is already required to be reported annually through the annual report condition (CC33(a)), and reviewed 5-yearly. The Applicant's expert evidence indicated a 5-year period was necessary to determine any trends, and therefore condition review should align with that.</p> <p>Disagree with change of the term 'frequency' to 'number' given the focus is on the average over a five-year period.</p> <p>Deleted the word 'root' given there may be more than one cause, and it may not always be possible to determine which cause is the 'root' cause.</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
RC112 – In-stream works review report		Correct cross reference to RC111.		Corrected.
RC114 – Flushing trials and RC121 – Desander flushing trials	Change 1 week to 5wd for consistency.		Agree with WCRC.	Agreed. Change made for consistency reasons.
RC115 – Morgan Gorge flushing trial report	Query whether report should discuss how safe fish passage is maintained during trials.		Reject WCRC query as that is not the purpose of the flushing trials. The purpose is instead to establish a reference state of fine sediment cover and thickness under natural low flow conditions in Morgan Gorge and inform the development of the FlushMP.	Disagree with WCRC, as the report relates to flushing trials which have a different purpose. There are separate conditions which address fish passage.
RC118 – Desander flushing restriction, and RC119-RC120 – Desander flushing trials	Query re how flow rate is measured during desander flushing.  Need contingency plan in RC120 for any change in water clarity as a result of desander flushing trials.		In response to WCRC, refer to RC126.  Reject WCRC suggestion for RC120 as that is the whole purpose of the flushing trials.	No change made in response to WCRC. As the Applicant notes there is already requirement to monitor flows in RC126.  No change required to RC120 as this is already covered by the FlushMP.
RC121 – Desander flushing trials	Change timeframe to 5wd for consistency.		Agree with WCRC re 5wd.	Change made to 5wd for consistency.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
	Add after 'trial methodology' the following text 'and control measures in place'.		Reject WCRC addition of control measures as unclear what this is and how it is different to methodology.  Correct subparagraph numbering.	Agree in part to WCRC request, but have amended to 'trial methodology including any control measures' to clarify that the methodology should also include control measures.  Corrected numbering.
RC124 – Site SMP	Add location of where sheets are stored.		Agree with WCRC.	Agree, as it clarifies what should be included.  Also corrected numbering.
RC125 – Site SMP	Should be annual rather than 5-yearly review.		Reject WCRC request as nothing in this management plan will change within 1 year, and the condition already provides for more frequent reviews by the Consent Holder if necessary.	Accepted in part. Revised so it is annual for the first five years, and five yearly thereafter. This will provide an avenue to review more frequently if necessary while the Scheme beds in.  Also corrected numbering.
RC126 – Monitoring plan	SQEP should have input into monitoring plan.		Reject WCRC request as the hard wired monitoring requirements in the condition have been developed through the FTAA process which has included a SQEP. This plan can't be altered	Not necessary to add in a SQEP as all management plans are required to be prepared by a SQEP.

Condition	WCRC	DOC	Applicant comments	Panel Determination
			<p>with SQEP input apart from via a s.127 application.</p> <p>Table 11 – delete ‘water tunnel diversion flow’ row as this duplicates the station inflow row (they are the same).</p>	<p>Amended Table 11 as sought by the Applicant to avoid duplication. Added a footnote to the Table to clarify that the station inflow includes all flows at the Power Station including the bypass valve when its being used.</p>
RC127 – Monitoring plan	Change reference in (c) to table being ‘above’.		Agree with WCRC. Change reference to table being ‘above’.	Agree, corrected.
RC130 – Kayaking and no-take days	Should have a requirement to notify WCRC at the same time.		Reject WCRC request, as Westpower is required to publish no-take days on the Project website and this is sufficient.	Agree with WCRC that such notification is appropriate, and have inserted new RC135A to address this. While notification is also required on the Project website, we do not consider this creates an undue burden for the Applicant, given such notification can be given via email, and given the limited number of no-take days per annum.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
RC132(b), RC133 and RC134 – Kayaking and no take days	These relate to compensation payments to WWNZ, and should be deleted.		Reject WCRC request. Inclusion of this condition forms part of the agreement with WWNZ. Compensation is relevant and is a common effects management method. To assist with enforcement Westpower has already proposed additional reporting conditions.	Disagree with WCRC, and have retained the conditions, for the reasons given by the Applicant. We have however added a condition (RC133A) clarifying that amounts are subject to CPI adjustment.
<b><i>District consents</i></b>				
DC24 – Helicopter FMP and DC33 - CNMP			Correct cross references.	Corrected.
DC41 - Shotcrete			Insert 'open air use of' (shotcrete) at the start of the condition.	Accept, as it is appropriate to exclude shotcrete works within the tunnel. Wording amended for clarity.
DC42 and DC46 – Headworks and upper access tunnel portal			Limit the requirement in (b) of these conditions to identifying any 'material' changes on the basis that there could be a large number of immaterial changes.	Disagree, as there is already a requirement for the design to be in general accordance, and material changes may go beyond that.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
DC51 – Acoustic recording review			Advice note – clarify that the relevant recordings are held by Westpower.	Agree, advice noted added for clarity.
DC53 - AMP			Replace the word 'undertaking' with 'minimising' so it correctly reflects the condition intent and fix formatting.	Agree, change made to align with intent.  Also amended the wording of the chapeau to align with DC54 in terms of avoiding, remedying, minimising or mitigating, to provide clarity as to the management measures.
DC54 - BMP		Amend the word 'manage' to 'minimise' in the objective as this better reflects the legislative framework.	Disagree with DOC as para (b) sets out how effects will be managed.  Amend Bat Roost Protocols condition to enable three variations to the protocols relating to low bat roost potential trees and weather conditions for acoustic bat monitoring.	Accept in part DOC's request, but amended the wording to align with DC53 in terms of avoiding, remedying, minimising or mitigating, to provide clarity as to the management measures.  Disagree with Applicant's proposed changes based on the threat status of bats, the level of bat activity in this area and given that these are national protocols that have been applied in other

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				west coast environments consider that the Protocols are capable of implementation.
DC58 - LizMP		<p>Amend the word 'manage' to 'minimise' in the objective as this better reflects the legislative framework.</p> <p>Require the LizMP to include a detailed contingency plan for West Coast green gecko given their threat status.</p>	<p>Disagree with DOC as the meaning of 'management' is clear from following sub-paras.</p> <p>Correct numbering error.</p>	<p>Accept in part DOC's request, but amended the wording to align with DC53 and DC54 in terms of avoiding, remedying, minimising or mitigating, to provide clarity as to the management measures.</p> <p>Contingency plan requirement not included as the LizMP relates to impacts on habitat rather than West Coast green gecko themselves, and the Wildlife Approval covers these gecko.</p> <p>Corrected numbering error.</p>
DC61 – Ecological compensation		Amend the ecological compensation condition to require the annual payment to be to an ecosystem programme nominated by DOC, and to require the detail of the	Disagree with including a programme nominated by DOC as it is ultra vires, consultation is sufficient. Condition does not require details of the programme to be determined – it more	Accepted DOC request in part, and clarified wording of condition that DOC should be consulted about the ecosystem programme.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
		programme to be set at the end of year 10, informed by the state of the environment at that time.	appropriately just requires Westpower to contribute to one.	Agree with the Applicant that there is no requirement for the details of the programme to be determined as the obligation is to contribute to, not design, the programme.
<b>Wildlife approvals</b>				
Sch.2, cl.4 – How long is the approval for – the term?		Term is generally only for 10 years rather than 15. DOC would be comfortable with 15 years if change is made to cl.11.1 to require recertification of AMP, BMP and LizMP after 10 years, is accepted.	Disagree with DOC, no clear justification for recertification, and is unduly onerous.	Agree with a 15 year term.  Accepted in part DOC’s request, and included condition in the resource consent conditions requiring a review by a SQEP of the AMP, BMP, and LizMP (CC10A) after 10 years if construction has not been completed at that point to confirm that the plans are still appropriate to achieve the objectives.
Sch.3, cn.1.1 - General			Delete condition as there are no special conditions in the WCRC and WDC consents.	Not accepted. However, for clarity, we have amended the reference at the start of cn.1.1 refer to ‘conditions’ and corrected the references in 1.1(a)

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				and 1.1(b) to refer to 'special conditions' and 1.1(c) and 1.1(d) to refer to 'conditions'.
Sch.3, cn.1.2 – Management and monitoring plans		Replace condition to provide a joint certification role for DOC for the AMP, BMP and LizMP to ensure appropriate oversight and provide assurance plans are best practice.	Delete reference to 'clause 1' and insert word 'to' to sub-conditions.	Disagree with DOC request for joint certification for reasons noted in Part L of the Decision. That role sits with consent authority, but provision has been made for DOC input and a SQEP to review that and provide recommendations to the consent authority.  Disagree with deletion of reference to cl.1 as sought by the Applicant, as we have retained cl.1 in the approval.  Grammar also corrected.
Sch.3, cn.1.3 – Management and monitoring plans			Delete reference to 'access arrangements' as Westpower has not sought these.	Agree, correction made.
Sch.3, cn.3.3 - Lizard capture,			Insert word 'Wildlife' before 'Approval Holder' for consistency.	Agree, and change made for consistency.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
salvage and relocation				
Sch.3, cn.4.1 – Incidental death of protected wildlife			In (d), delete from 'of the death of...' onwards to align with finding in the draft Decision.	Agree, and change made as what the investigation relates to is clear from the chapeau of the condition.
Sch.3, cn.10.1 – Bat roost protocols		Change the requirement to follow the Bat Roost Protocols to when undertaking 'any vegetation clearance' (rather than when felling occupied bat roost trees), to better align with the Bat Roost Protocols.	Westpower disagree with DOC request and seek condition be amended to refer to minimising the risk of felling occupied bat roost trees and to provide 3 exceptions to the requirement to comply with the Bat Roost Protocols for low potential bat roost trees and weather conditions for acoustic bat monitoring.	Disagree with DOC request to change to 'vegetation clearance' as the Bat Roost Protocols are specifically directed at the risk of felling occupied bat roost trees, and state such trees are rare. DOC's suggested change would significantly broaden the requirement. However, amended to refer to 'potential' bat roost trees as opposed to 'occupied' bat roost trees.  Disagree with the Applicant's proposed change, as this is nationally critical species, and if any variation is sought to Protocols this should require DOC approval.

Condition	WCRC	DOC	Applicant comments	Panel Determination
Sch.3, new cn.11.1 - Recertification		New condition requiring resubmission of AMP, BMP and LizMP to DOC for recertification after 10 years to account for change in circumstances in the intervening period.	Disagree with WCRC, no clear justification for recertification, and is unduly onerous.	Accepted in part for the reasons given by DOC, and included condition in the resource consent conditions requiring a review by a SQEP of the AMP, BMP, and LizMP (CC10A) after 10 years if construction has not been completed to confirm that the plans are still appropriate to achieve the objectives.
<b>List of Concessions – Appendix C</b>				
Concession type and Table 13			Remove 'concession type' column as in some cases the descriptions do not align with Sch.4 of the Concession documents.  Add back in words that were in Table 13 of the Application but which have been omitted.	Agree, changes provide better clarity and alignment.
<b>Concession – lease/licence</b>				
Global			Correct cross references.	Corrected.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
Parties			Delete name of guarantor as Sch.1 confirms a guarantee is not required.	Accepted and deletion made for consistency.
Sch.1, item 1 - Land			Delete reference to land being shown on separate plans.	Accept, the legal description already includes reference to the relevant SO Plan, which provides adequate identification of the Site.
Sch.1, item 2 – Concession activity		Delete last bullet point as it is unclear what would constitute a proposed activity, and reference to authorised activities is unnecessary as these are covered in the other bullet points.	Disagree with DOC, and instead suggest amending concession activity to refer to Appendix C of the Decision.	Disagree with DOC, as it is important that all activities are covered. But we have, as the Applicant suggests, amended the condition to refer to the list of concessions (Appendix C) being included in Sch.4, as this provides clarity on the activities covered.
Sch.1, items 6 – Concession fee, 11 – Concession fee payment date(s), 12 – Penalty interest rate, and 13 – Concession fee review date(s)			Issues with these conditions as they appear to conflict with each other.	The Panel has made changes to these later conditions to make these more consistent with the s.78 conditions. This includes item 12 which has been changed to refer to a 15% penalty interest rate

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				as per the relevant s.78 condition.
Sch.1, item 15 – Health and safety			Remove cross reference as the audited safety plan is not required.	Accepted.
Sch.1, item 20 – Processing fee			Delete as the Applicant has a statutory obligation to pay DOC’s actual and reasonable costs for the FTAA process.	Deleted given the FTAA provides for cost recovery.
Sch.2, cl.1 – Interpretation			<p>Reinsert rows in interpretation table that appear to have been inadvertently omitted relating to BMP, Bulk Earthworks, CEMP, Commencement of Construction, Construction, CNMP, Construction Staging Areas, CTMP, DMP, DOC Liaison Officer, DOC local office, FMP, LizMP, Monitoring Plan, Pre-Construction Activities, Project Construction Site, Project Construction Work Component, and RPAS.</p> <p>Sch.2 cl.1 – ESCP insert word ‘management’ before plan in definition.</p> <p>Sch.2 cl.1 – Waitaha Hydro Scheme delete reference to</p>	<p>Accepted in part. Given the deletions to conditions to avoid overlap with the resource consent conditions, not all of the terms are needed in this concession. In particular, as a result of the deletions, definitions for BMP, CEMP, CNMP, CTMP, DMP, FMP, LizMP, and WWNZ are no longer required.</p> <p>Accepted as makes clear the ESCP is a management plan.</p> <p>Agree, references to</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			'under the construction concession' given there is no longer a different concession for construction and operation.	construction concession have been deleted.
Sch.2, cl.5.1 – What are the fees and when are they to be paid?			Delete as processing fees are covered by the FTAA.	Agree, condition deleted given the FTAA addresses this matter directly.
Sch.2, cl.5.2 – What are the fees and when are they to be paid?			This condition conflicts with cl.6.2.	Deleted reference to the Concession Fee from this condition as it is covered by cl.6.2.
Sch.2, cl.5.3 – What are the fees and when are they to be paid?			This condition conflicts with cls.6.3, 8.3 and 17.3.	As this is not a s.78 condition, and as the relevant s.78 condition (cl.6.3) covers penalties for late payment of the concession fee, we have deleted this condition.
Sch.2, cl.6.2 – Concession fee			There are issues with the proposed payment date for the concession fees (anniversary of the Term). This is because the 10-year lapse means the start may be delayed, and because the operational fee is proposed to be	The Panel acknowledges the issues raised. However, as these are s.78 conditions the Panel does not have the discretion to change them.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			a percentage of revenue which will not be known until the Scheme is operational.	
Sch.2, cl.12.3 – What about structures, Building Act and restoration		Delete condition re removal of structures and other conditions and replace with DOC s.78 conditions (which DOC is now requiring to ensure burden not left on DOC and to manage health and safety risk).	Acknowledge that the Panel must impose s.78 conditions.	Accepted, as cl.9 of Sch.6 of FTAA does not limit DOC’s ability to require s.78 conditions subsequent to the issue of its s.51 Report (since it refers to ‘or otherwise’). Accordingly, the Panel is required to, and has inserted these conditions.
Sch.2, new cl.12.6A - What about structures, Building Act and restoration		To provide clarity around the removal of structures where a further concession for the same activity is applied for prior to the expiry of the concession term.	Support DOC suggestion.	Accepted as adds clarity.
Sch.2, cl.14.8 – Insurance			Query whether this should link to item 14 of Sch.1 which addresses insurance.	Agree need for alignment. We have amended: <ul style="list-style-type: none"> <li>Sch.1 item 14 to add ‘and any other insurance required by the Director General’; and</li> </ul>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				<ul style="list-style-type: none"> <li>Sch.2 cl.14.8 to clarify the Minister will determine and set any insurance required other than Public Liability Insurance which is set in Sch.1 item 11.</li> </ul>
Sch.2, subheading, and cls.15.2 to 15.7 – Health and safety plan			Delete as these relate to an audited safety plan and DOC has confirmed a safety plan is not required as per item 15 of Sch.1.	Accepted and deleted for consistency.
Sch.2, cl.20.4 – When can the concession be terminated?			Insert additional text that clarifies a proposed termination will be of no effect until the dispute resolution process has been worked through.	Accept change as it clarifies the intended process.
Sch.2, cls.30.1 to 30.3 – What about the payment of costs?			Suggest deletion as they are duplicative of cl.9.	Accept as cl.9 is the s.78 condition and cls.30.1-30.3 are an unintended duplication.
Sch.2, cl.31.1 – What is the relationship of the parties?		Amend (d) to refer to access being able to be 'temporarily' restricted 'during construction', since the licence is a non-	Accept DOC's additions.	Accepted in part. Added 'temporarily' to reflect that any such restriction on access is not permanent. But have not added 'during

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
		exclusive interest and access cannot be restricted for non-safety related reasons.		construction’ as there may be safety related reasons such that it is necessary to restrict access during operation.
Sch.2, cl.37 – Which clauses survive termination?		Insert references to cls.12 and 32. It is important that the cl.12 requirement to rehabilitate the land survives termination of the concession.	Accept DOC’s additions.	Agreed, and clarification included.
Sch.3, cn.1 - General			Delete date of the application as the term ‘Application’ is defined.	Accepted, and date deleted.
Sch.3, new cn.1A – General and new Table 1 – Relevant resource consent conditions			To confirm that the Applicant must undertake the Concession Activity in accordance with the relevant resource consent conditions as set out in Table 1, the management plans in cns.10, 11 or 12 and the specific conditions in Sch.3. Table 1 to include any amendments necessary to reflect the concession context. Remove the full text of the resource consent conditions to avoid duplication.	Accepted Applicant’s requested amendments, as this will avoid unnecessary duplication, and minimise the risk of any inconsistency. Agree with exclusions in conditions column and amendments column in Table 1 as these clarify the extent of the changes required taking into account the concession context, the role of DOC during construction and operation, that compensation

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				conditions (other than the recreation payment for tracks) remain in the resource consents, and that concession conditions only apply to conservation land.
Sch.3, cn.4 – Notification of non-compliance			Insert an alternative contact being the DOC local office as that will be the appropriate contact point during operation.	Accepted as an alternative, but amended to clarify the alternative is a DOC representative from the DOC local office.
Sch.3, cn.9 – Management plans and Table 2 – Project construction work components and associated management plans			<p>Update name of Table to Table 2.</p> <p>For construction of new access road row - insert full name of ESCP, add reference to the FEMP, VMP, AMP, BMP, LizMP and LMP.</p> <p>For stream works row - insert full name of ESCP, and add reference to the FEMP.</p> <p>For the Power Station and Headworks rows - insert full name of ESCP, and add reference to the FEMP, VMP, AMP, BMP, LizMP and LMP.</p>	<p>Updated name and made insertions as sought as it provides clarification.</p> <p>Also amended cn.9 to delete requirement to seek DOC feedback as this is already covered in the RMA conditions prior to certification occurring.</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			Add new row for rehabilitation works with reference to the VMP and LMP.	
Sch.3, cns.9, 10 and 11 – Management plans		Amend to require that the management plan be provided to the DOC liaison officer for feedback and to confirm that the management plan meets the objectives and requirements set out in the relevant conditions for that management plan. This is to ensure that the consent holder is required to address any issues raised by DOC.		Disagree, as we have determined joint certification is not appropriate. Instead, conditions enable DOC input, with a requirement for a SQEP to review the plan, DOC’s feedback and the Consent Holder’s response to that feedback, and provide recommendations to the certifying council.
Sch.3, cn.10 – Management plans			Add in reference to the Monitoring Plan as being required to be provided to the DOC liaison officer for feedback.	Agreed in part. Added in reference to the Monitoring Plan. However, deleted requirement to seek DOC feedback as this is already covered in the RMA conditions prior to certification occurring.
Sch.3, new cn.10A –			To require a copy of the FlushMP to be provided to the DOC local office for feedback.	Accepted, in part. But deleted requirement to seek DOC feedback as this is already covered in the

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
Management plans				RMA conditions prior to certification occurring.
Sch.3, cns.11, 13 and 15 – Management plans; and 17 – Amendments to management plans			Update cross references.	Deleted conditions 11, 12 and 17 as they duplicate the processes in the resource consent conditions. Updated cross references in the remaining conditions.
Sch.3, cn.14 – Management plans			Amend to refer to 'relevant management plan or plans' since there may be more than one relevant plan.	Agreed, and change made to ensure all relevant plans are captured.
Sch.3, cn.15 – Management plans			Insert 'McLean's Farm' in brackets after Construction Staging Area 3.	Agree as change provides clarity on location.
Sch.3, cn.20 – Pre-commencement meeting			Delete reference to the final CEMP and final ESCPs as this is not required under the resource consent, make minor grammatical change, and update the Table reference.	Accepted in part. Changed reference to the certified CEMP and ESCP to align with the resource consent. Made minor grammatical changes to improve readability..
Sch.3, cns.21-22, 24-36, 39-57, 59-75, 80-			Remove these conditions as they duplicate the resource consent conditions and are now covered by new cn.2 and Table 1 which	Agree and changes made to avoid duplication. Also note that while cn.129 has been deleted, DOC has

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
124, and 127-172			require compliance with the relevant resource consent conditions.	been included in the equivalent CC31 condition as it is considered appropriate for DOC as landowner to receive notification of when commissioning starts.
Sch.3, cn.23 – Indigenous vegetation disturbance area			Table 4 - correct figures.	Correction made.
Sch.3, cn.37 – Notification of fuel spill			Amend to add in reference to the DOC liaison officer.	Agree since the condition is not limited to just the operational period.
Sch.3, cn.58 - CTMP			Amend the intro wording to 'of relevance to this concession', and delete reference to 'residents' in (d).	Disagree, as the CTMP is covered in the resource consent and this unnecessarily duplicates that. Condition deleted.
Sch.3, cns.125-127 – Recreation compensation		Change amount of recreation compensation from \$25k to \$315k and require it be applied to land administered by DOC for the purpose of offsetting effects on recreational users in the Waitaha Valley. DOC	Disagree with the amount, but do not object with it having to be paid to DOC, and suggested further amendment to clarify that DOC must use it for maintenance and upkeep of tracks and huts in the Waitaha Valley.	Accepted in part. Included requirement that it be paid to DOC and that it be used for maintenance and upkeep of tracks and huts in the Waitaha valley. Disagree with change to amount, for the reasons

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
		<p>provided evidence and legal submissions in support of its methodology, whereas there is no such rationale supporting the Applicant’s proposed amount. Such an amount is required to address recreational effects and given effects are on DOC land in the Valley it should be paid to DOC for use within that valley.</p>		<p>set out in the body of the Decision.</p>
<p>Sch.3, cn.128 – Recreation access track</p>		<p>Amend the recreation access track condition to require DOC to approve the location and design of the track and to delete the advice note. The Applicant’s proposed location would not reduce visual or experiential effects for walkers.</p>	<p>Disagree with DOC, as the effects of a separate track have not been assessed, it is not part of the listed project and does not have concession approval.</p>	<p>Disagree with DOC, and have deleted this condition as it duplicates the RMA condition. The access track location was agreed in the visual / recreation evidence and formed the basis of the assessment. There are also indigenous vegetation clearance limits tied to this location. Note this requirement has been moved from the regional to the district conditions in response to other feedback and is now DC7A.</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
Sch.3, cn.129 – Pre-commissioning notification		Replace reference to notifying 'consent authority' prior to the start of commissioning with 'DOC'. This is so that DOC is aware of the commissioning and can undertake any appropriate monitoring.	No need for retention of this condition as it is now covered by new Table 1 which refers to the Concessionaire being required to comply with the conditions listed in that table.  Delete condition as duplicates what is in the resource consent conditions (CC31).	Deleted, as the requirement sits in the resource consent conditions and is now incorporated by Table 1.
Sch.4 – Plan or map		Insert requirement that all plans or maps are provided to DOC for review at least a week prior to commencement of the Concession. This is because the maps were not attached to the Panel's draft conditions and if these are changed, DOC should have the chance to review the final versions.	Amend to include reference to location 8b (the alternative tramping track), and include Maps 1-5 in Sch.4.	Accepted DOC request in part. The maps were included in the Application. Accordingly, this requirement will only apply if the maps are updated from those included with the Application which we have attached to the Concession.  Agree with Applicant's change, as it provides clarity.
<b>Concession - easement</b>				
Global			Correct cross references.	Corrected.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
Parties			Delete name of guarantor as Sch.1 confirms a guarantee is not required.	Accepted and deletion made for consistency.
Sch.1, item 1 – Easement land			Easement land – delete reference to land being shown on separate plans.	Accept, the legal description already includes reference to the relevant title and SO Plan, which provides adequate identification of the Site.
Sch.1, items 5 – Term and 6 – Final expiry date			Typo in the name of the FTAA.	Corrected.
Sch.1, item 9 – Penalty interest rate			Penalty interest rate conflicts with cls.4.3 and 6.3 of Sch.2 which refer to 15%.	Changed to refer to a 15% penalty interest rate as per the relevant s.78 condition.
Sch.1, item 11 and Sch.2, cl.12.9 – Insurance			Need for alignment / cross reference in relation to insurance.	Agree need for alignment. Amended Sch.1 item 11 to add 'and any other insurance required by the Director General.' Also amended Sch.2 cls.12.8-12.10 to clarify the Minister will determine and set any insurance required other than Public Liability Insurance which is set in Sch.1 item 11, and that the 3-yearly review

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				includes public liability insurance.
Sch.1, item 14 – Processing fee			Delete as the Applicant has a statutory obligation to pay DOC’s actual and reasonable costs for the FTAA process.	Accepted in part. Left reference in but indicated it is not required for consistency with the approach taken in the lease/licence concession.
Sch.2, cl.1.1.1 - Interpretation			<p>Insert definition of ‘easement land’ for clarity and for consistency with the lease/licence concession which includes a definition of lease land and licence land.</p> <p>Amend definition of Waitaha Hydro Scheme to align with that in the concession lease licence.</p>	Changes accepted for clarity and consistency.
Sch.2, cl.16.4 – When can the concession be terminated?			Add additional text that clarifies a proposed termination will be of no effect until the dispute resolution process has been worked through.	While this can be inferred from the disputes resolution condition, the Panel has made the change as it provides additional clarification of the intended process.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
Sch.2, cl.24 – What about the payment of costs?			Suggest deletion as duplicative of cl.7.	Accepted as cl.7 is the s.78 condition and cl.24 is an unintended duplication.
Sch.3, new cn.2 – Easement facilities		New condition to require easement facilities to be carried out in accordance with all relevant conditions and management plans that relate to the easement land including the CEMP and VMP. This is necessary given the easements commence on the same date, and clarifies the requirements that apply.	Disagree, as proposed condition is unnecessary and duplicative. Westpower is bound by the Sch.3 conditions in the lease/licence which applies for the full term of the easement.	Disagree with DOC as it duplicates the Sch.3 conditions in the lease/licence.
Sch.3, new cn.3 – Restrictions on maintenance or upgrade works without DOC approval		Include restriction on undertaking maintenance or upgrade works that require earthworks post completion of initial construction and rehabilitation phase without DOC's consent. The modified rights and powers implied in the easement are broad and this condition would	Reject DOC request as it should have raised this in its s.51 Report. The Panel did not propose any changes to Sch.5 so there is no scope to amend the condition.	Disagree with DOC request. There is no need to make the changes as the activities which are authorised by easement concession are clearly specified, and any changes which go beyond what has been approved will likely require new

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
		ensure that any significant maintenance or upgrade requires DOC prior consent.		approvals/resource consents.
Sch.3, new cn.4 – Restrictions on earthworks		To restrict any physical disturbance of earth associated with the access road from occurring within 20m of any part of the Stable Trib. This is currently in the concession lease/licence but relates to maintenance of the easement land so should be in here.	Reject DOC request as it should have raised this in its s.51 Report. The easement land and licence land have a minor overlap. The change is not necessary as Westpower must comply with RC20 in the resource conditions which is imported into the concession.	Not necessary to include as covered by RC20 and RC136.
Sch.4 – Easement area		Insert requirement that all plans or maps are provided to DOC for review at least a week prior to commencement of the Concession. This is because the maps were not attached to the Panel’s draft conditions and if these are changed, DOC should have the chance to review the final versions.	Reject DOC request as final decision should include maps 1 – 5 which were included with the Application.	Accepted in part. The plans were included with the Application. Accordingly, this requirement will only apply if the maps are updated from those included with the Application and which we have attached to the concession.

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
				Reference to 1 week changed to 5wd for consistency.
<b>Freshwater fisheries approvals</b>				
Global			Reference to 'Concessionaire' is changed to permit holder, since this is an approval not a concession.	Agree, and change made.
cn.4 - FEMP		Replace condition to provide a joint certification role for DOC for the FEMP to ensure appropriate oversight and provide assurance plans are best practice.	WCRC disagree with DOC's request as certification of management plans sits with the relevant council, and those councils can seek specialist assistance if need be.	DOC request not accepted. Certification appropriately sits with relevant council but provision has been made for DOC input, for the Applicant to respond to that, and review by a SQEP prior to council certification.  Deleted conditions 4 to 19 and included conditions requiring compliance with the relevant resource consent conditions to avoid duplication.
cns.9(e) – Weir and intake structures, and			Correct condition cross references.	Not accepted as conditions deleted to avoid duplication

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
15 – Fish passage				with resource consent conditions.
cn.16 advice note – Fish passage			Insert 'diversion weir' before 'fish passage' to clarify monitoring is limited to assessing fish passage over the weir, not other in-stream structures.	Disagree, as conditions deleted to avoid duplication with resource consent conditions.
cn.20 - Exclusion conditions			<p>Restrict scope of (a) to instream works 'that prevent fish passage', as that is the only ecological concern during stream-works (there is no concern re stream-bed disturbances). Also add another exception for where works are less than a week in duration.</p> <p>Insert words 'any flowing water within' in (b) before 'a water body' to enable technical</p>	<p>Agree with the insertion of 'that prevent fish passage' but have adjusted it to refer to 'during migration times' to clarify the scope of the restriction. We have also included an advice note to the relevant instream works condition in the resource consents.</p> <p>Disagree with the insertion of an exemption for works for less than a week in duration, as insufficient evidential justification has been provided to support such an exemption.</p> <p>Deleted (b) to avoid duplication with the resource consent conditions, but we have</p>

WAITAHA HYDRO SCHEME – FTAA-2505-1069

Condition	WCRC	DOC	Applicant comments	Panel Determination
			compliance. Key effect management aspect is that wet concrete is not placed in a flowing waterway.	inserted reference to 'flowing water' in the relevant RC condition.