

# Tai Poutini Polytechnic Template



## Submission on the proposed Waitaha Hydro Scheme by Westpower under Section 17U of the Conservation Act 1987

**TO:** Director-General  
Department of Conservation  
Private Bag 701  
Hokitika 7842

**Attention:** Pauline Adams, [permissionshokitika@doc.govt.nz](mailto:permissionshokitika@doc.govt.nz)

**SUBMITTER:**

### **Introduction**

### **Submission**

Westpower is seeking concessions in the form of leases, licenses and easements, and therefore under Part 3B of the Act the Minister must be satisfied the proposed activities are both appropriate and lawful.

Under Section 17 S (2) of the Conservation Act the minister is required to consider the financial viability of the proposal. Reservations about financial viability were one of five reasons given by the Minister for declining the Fiordland Monorail application in 2014.

The financial underpinning of the Westpower Waitaha Hydro Project appears to be based on predictions of power demand that are wildly at odds with many other forecasts (See Baldwin Report DOCCM 234-5375, p 22, DOC Concession Officers Report, Section 2.14), therefore casting what can only be considered significant doubt upon the financial model used by Westpower.

Given this significant doubt, it would be inappropriate in terms of 17S (2) of the Act to impose adverse effects on conservation values\* in authorising such a project. To authorise a non-viable business with such effects would be inconsistent with the Act's purpose and the Minister would therefore be at error.

Under Section 17 U (4) (a) of the Conservation Act, the Minister is not able to grant a concession when they are satisfied the activity could reasonably be undertaken in another location that is outside the conservation area in question, or where the potential adverse effects would be significantly less.

Westpower's Waitaha application fails to address alternatives to the Waitaha Scheme which include;

1. Arnold River hydro scheme
2. Stockton mine and Stockton plateau hydro schemes

The suitability of these schemes as alternatives is discussed at length in Tony Baldwin's Report (DOCCM 234-5375, Section 13, DOC Concession Officers Report, Section 2.14). Each of these schemes is already fully consented and under section 17 U (4) (a) of the Act, the Minister is therefore not allowed to grant concessions for the activity proposed by Westpower in relation to the Waitaha scheme.

**SUBMISSION:**

**I oppose and object to the Minister of Conservation's intention to grant a concession to Westpower Ltd to construct and operate a hydro scheme on the Waitaha River.**

**I request that the intention to grant be reversed and that the concession not be granted on the basis of the discussion above.**

**Name**

**Signature**

**Date**

**Links**

[Department of Conservation Concession Officers Report](#)

[Tony Baldwin Report](#)

[Conservation Act 1987 \(Refer Part 3B, Section 17 S-U\)](#)

\* "promote the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by

the public, and safeguarding the options of future generations.”

**Section 17S(2)**

Where an applicant applies for—

- (a) a lease; or
- (b) a *profit à prendre* or a licence granting an interest in land; or
- (c) an easement;—

the applicant, in addition to supplying the information required by subsection (1), shall supply reasons for the request and sufficient information to satisfy the Minister, in terms of section 17U, that it is both appropriate to grant the lease, *profit à prendre*, licence, or easement and lawful to grant it.

**Section 17U(4)(a)**

The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity—

- (a) could reasonably be undertaken in another location that—
  - (i) is outside the conservation area to which the application relates; or
  - (ii) is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or



# FOREST AND BIRD TEMPLI

**Lucy Croft**

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**From:**  
**Sent:**  
**To:** Permissions Hokitika; Maggie.Barry@parliament.govt.nz  
**Subject:** Attention: Pauline Adams

I am opposed to the application by Westpower Limited for a Lease, Easement and License for a hydro scheme in the Waitaha River.

I request that the Minister of Conservation decline the Application.

I oppose the application because: The proposal does not meet the purpose of the Conservation Act.

The proposal will have an irrevocable impact on the high natural values of this wild river. The mitigation proposed by Westpower will not mitigate the impacts of the intrusion of manmade structures and altered river flows on this landscape.

This is a truly wild river and its intrinsic character that includes the native flora and fauna would be permanently destroyed by imposing a hydro scheme on public conservation land.

The impacts on these values include:

The intrinsic nature of the magnificent undisturbed river in South Westland.  
The Waitaha is an unobstructed wild river.

There is wide agreement that it is an outstanding natural landscape.

The Morgan Gorge is an outstanding natural feature and one of the most spectacular gorges in the country.

The construction of a weir and associated infrastructure close to where the Waitaha enters the gorge will have an entirely unacceptable and inappropriate impact on the overwhelming naturalness of this special place.

The upper catchment of the Waitaha is highly valued for its sense of remoteness by trampers and hunters alike and is considered to be of international significance for kayakers.

There are no mitigation measures that can compensate for the change from an outstanding wild and remote experience in the upper Waitaha to what will become a significantly modified and 'industrialised' environment as a result of the reduced river flow, weir and associated infrastructure.

The values of the Waitaha are important in and of itself.

Effects on significant flora and fauna habitat:

The permanent loss of 3.5 ha of native forest with a reduction in the intactness of the vegetation.

The removal of vegetation as a result of the proposal will cause the permanent loss of habitat for lizard species at risk of extinction, including the green and forest gecko.

Westpower has not adequately assessed the presence of these highly threatened species and have not given any assurance that the impacts on them can be properly avoided or mitigated.

The proposal will result in the destruction of these nationally important species, any loss therefore is significant. Westpower has identified 27 native bird species with the hydro footprint, including a number of threatened native bird species. These include kaka, falcon and whio.

Westpower notes that western weka are recorded in the catchment. Western weka are genetically distinct from other populations of weka north of the Waitaha catchment. There is insufficient information about the impacts of the resident who population, including the importance of the Morgan Gorge to them. There can be no confidence that Westpower is able to avoid, remedy or mitigate impacts on this iconic species, including the impacts of construction and the dewatering of the Morgan Gorge.

The long tailed bat is present within the footprint. The clearance of habitat and tree felling will result in loss of both their breeding and feeding habitat and has the potential to cause the death of bats. This is an entirely unacceptable and inappropriate risk and one that cannot be adequately mitigated for.

Furthermore, there are already other alternatives for hydro generation on the West Coast. There are already consented proposals for hydro including the schemes on the Arnold River and at Stockton. There is no case for further hydro generation that justifies the destruction of such a wild and special place.

Yours,

# WHITEWATER NZ TEMPLA

## CONSERVATION ACT 1987 SECTION 17Q

### SUBMISSION/OBJECTION ON/TO AN INTENTION TO GRANT CONCESSIONS

**TO:** Director-General  
Department of Conservation  
Private Bag 701  
Hokitika 7842

**Attention:** Pauline Adams, [permissionshokitika@doc.govt.nz](mailto:permissionshokitika@doc.govt.nz)

#### **SUBMITTER:**

#### **ADDRESS FOR SERVICE:**

#### **CONCESSION APPLICANT DETAILS:**

**Applicant's name:** Westpower Limited

**Proposal:** Waitaha Hydro Scheme

#### **Details of application:**

The applicant wishes to obtain a concession to construct, maintain and operate a run-of-the-river hydro scheme at the Morgan Gorge on the Waitaha River on Department of Conservation (DOC) stewardship land. Westpower propose to take water off through a highly visible weir across the river and tunnel entrance located in the rock face on the true right bank at the start of the Morgan Gorge. This structure and an adjacent access tunnel portal will be significant industrial intrusions into an otherwise pristine landscape and environment. The scheme proposes to take much of the flow of the river (up to 23 cumecs, river median flow (50% of the time) is 19 cumecs) and leave a residual flow of 3.5 cumecs in the Morgan Gorge at all times – higher and flood flows will still travel down the Morgan Gorge when the proposed Westpower take is exceeded. The water is returned to the river about 2.5 km downstream of the intake via a powerhouse on the north bank of the river.

The reach of the Waitaha River that is of particular concern with respect to the current requested concession is from the powerhouse site upstream to the headwaters of the Waitaha River, and including the Morgan Gorge.

#### **SUBMISSION/OBJECTION:**

**I oppose and object to the Minister of Conservation's intention to grant a concession to Westpower Ltd to construct and operate a hydro scheme on the Waitaha River.**

**I wish to be heard in support of this submission.**

#### **Introduction**

The Morgan Gorge on the Waitaha River, and the Upper Waitaha River including the Waitaha and Windhover Gorges and catchment to the main divide constitute an outstanding wild and scenic river, with outstanding natural beauty, scenery and wilderness values, and outstanding kayaking values for expert and developing kayakers. The Morgan Gorge and the upper Waitaha River runs represent the pinnacle of white water runs for the most skilled of expert kayakers. Therefore, like their exemplars of other outstanding beginner, intermediate, advanced and expert white water runs water throughout the country, some of which are protected by Water Conservation Orders, this river warrants the same statutory recognition and protection.

The proposed Westpower hydro scheme will have a number of significant impacts on the values of the Morgan Gorge, the river above, and a section of the river below the Morgan Gorge, that are currently used by kayakers and other back country recreation users.

#### **Request Declining the Granting of the Concession**

I request that the Minister of Conservation's intention to grant a concession to Westpower Ltd to construct and operate a hydro scheme on the Waitaha River be reversed and that the concession not be granted as the proposed development:

- will impact severely on the natural feature and wilderness and scenic values of the spectacular, powerful, majestic, water carved, fluted, schist rock Morgan Gorge, which separates the upper wild and scenic Waitaha back country catchment from the front country, as well as the whole catchment
- is incompatible with the outstanding natural feature (ONF) status of the Morgan Gorge and outstanding natural landscape (ONL) status of the Waitaha River from the bottom of the Morgan Gorge to the headwaters and values of the stewardship land involved
- is incompatible with the purpose of the Conservation Act, and especially with respect to the purpose of DOC stewardship land
- is not needed for the power it will generate, nor would it provide for greater reliability of power distribution for the West Coast



- is contrary to various Objectives and Policies in Regional and District Plans and the West Coast Conservation Management Strategy
- will prevent current recreational users and particularly kayakers from accessing the Morgan Gorge and a river reach below
- will severely impinge and intrude on the outstanding kayaking, white water, wilderness and landscape values of a wild and scenic West Coast river. The proposed scheme will have a significant adverse effect on the outstanding kayaking values in the river. Such issues are not properly addressed in the application
- the mitigation offered if the scheme goes ahead is not sufficient, workable, or appropriate. This concession without appropriate consent conditions will effectively stop kayakers using the resource, not just in the Morgan Gorge but elsewhere in the catchment, where no mitigation is provided
- New Zealand is swamped with power generation, there are plenty of other less damaging consented power schemes and infrastructure on the West Coast available to provide power, MBIE say we don't need the power, so if this extra generation is not needed why ruin the beautiful wild Waitaha River?
- does not make sense, there is no need to destroy this pristine wilderness river for the sake of power generation that is not needed, don't do it!

For these reasons I ask that the decision on the concession application be reversed and that the Minister decline granting the concession to Westpower.

**Date:** October 17, 2016

