



12 November 2015

Di Clendon  
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Department of Conservation - Te Papa Atawhai  
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Dear Di

**RE: Response to material provided to Westpower on 4 November 2015**

1. Thank you for your email of 4 November 2015. In your email, you explain that the Department of Conservation has decided to accept Whitewater New Zealand's ("**WWNZ**") 1 May 2015 report entitled *Additional Information from Whitewater NZ on the Proposed Westpower Waitaha Hydro Scheme* ("**WWNZ (May) Report**") under section 17S of the Conservation Act 1987 ("**Act**").
2. You have given Westpower until 12 November 2015 to respond to the WWNZ (May) Report, highlighting those parts of the WWNZ (May) Report that have been incorporated into the Department's Technical Recreation Assessment.<sup>1</sup>
3. As explained below, Westpower considers that the Department should not accept the WWNZ (May) Report as being within section 17S(4) of the Act. The concerns that Westpower expressed in relation to the Baldwin Report apply equally here. Westpower's specific responses to the WWNZ (May) Report, set out in **Appendix A** and explained at a high level below, are made without prejudice to Westpower's position that the Department should not have regard to the content of the WWNZ (May) Report.

<sup>1</sup> Report from Ian Wightwick, Technical Advisor – Recreation, Hokitika to Diana Clendon, Permissions Senior Advisor, Hokitika, dated 19 March 2015 (and 27 May 2015 and 22 October 2015) entitled R50630 *Advice Required on Waitaha Hydro Concession Application* ("**Technical Recreation Assessment**"). To assist Westpower's review of the WWNZ (May) Report you highlighted in yellow, in the version of the Technical Recreation Assessment attached to your 4 November email, changes to the Technical Recreation Assessment which resulted from the WWNZ (May) Report.

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## WWNZ (May) Report is not within section 17S(4) of the Act

4. Section 17S(4) of the Act provides:
  - (4) *The Minister may, at the expense of the applicant,—*
    - (a) *commission a report or seek advice from any person (including the Director-General) on any matters raised in relation to the application, including a review of any information provided by the applicant:*
    - (b) *obtain from any source any existing relevant information on the proposed activity or structure that is the subject of the application.*
5. In terms of section 17S(4)(a), it is clear that the WWNZ (May) Report was not requested by the Minister, or the Department. As we understand it, an earlier report, *Impacts of the Proposed Waitaha River Westpower Hydro Scheme on Whitewater and Kayaking Values* ("**WWNZ (Jan) Report**") was provided to the Department in early February 2015 in response to the Department's request for information on effects of the Scheme on kayaking values. The WWNZ (Jan) Report was provided to Westpower for comment on 30 March 2015, under 17 S(5) of the Conservation Act which requires that this information must be supplied to the applicant for comment. Westpower commented on the WWNZ (Jan) Report on 30 April 2015.
6. On 25 March 2015, the Department requested further information from Westpower on "No Take Days" and "Weir Design" in relation to whitewater kayaking activities. The Department advised<sup>2</sup> that the application would be considered complete once this information had been received and confirmed as adequate. On 10 June 2015,<sup>3</sup> the Department advised Westpower that no further information on kayaking was required.
7. The WWNZ (May) Report was provided to the Department on 1 May 2015 as part of the material accompanying the Baldwin Report and was not at that point accepted by the Department, who advised WWNZ on 10 June 2015 that the Department did not accept this Report under section 17S but it would "*need to be submitted through any public notification process*".<sup>4</sup>
8. In our opinion, the WWNZ (May) Report is not "*existing relevant information*" within section 17S(4)(b) of the Act. It has been specifically drafted by WWNZ following their OIA request to address alleged "*omissions and other key issues in Westpower's application*".<sup>5</sup> It is in essence a submission that is being characterised by WWNZ as relevant information, and as Westpower and the Department have acknowledged previously, the statutory process provides opportunity for submissions at a later point in the process.
9. We consider that the WWNZ (May) Report is clearly in the nature of submissions, containing emotive language and inaccurate descriptions of the Scheme and its effects.<sup>6</sup> This is reflected in the Department's 10 June 2015 rejection of the WWNZ (May) Report (mentioned above). Notwithstanding the Department's response, in September 2015, WWNZ again requested that the Department receive the WWNZ (May) Report, alleging that it was "*supplementary to*" the WWNZ

<sup>2</sup> Teleconference between Sue Cotton, Martin Kennedy (West Coast Planning), and Di Clendon and Ian Wightwick ,26 March 2015.

<sup>3</sup> Telephone conversation between Sue Cotton and Di Clendon, 10 June 2015.

<sup>4</sup> As recorded in Di Clendon's email to Sue Cotton, 4 November 2015.

<sup>5</sup> Letter from WWNZ to the Department dated 1 May 2015.

<sup>6</sup> For example, the Scheme does not 'dewater' the Morgan Gorge. Further inaccuracies are noted in Appendix A.

(Jan) Report. This is questionable: the WWNZ (May) Report was written some four months after the WWNZ (Jan) Report.

10. Moreover, the WWNZ (May) Report repeats material already provided to the Department. We do not see how the repeated provision of information makes it relevant. On 4 November 2015 the Department advised Westpower that it has now reconsidered its position on the basis that *much of the information in the [WWNZ (May) Report] was already included in the information sought from Whitewater NZ ...any new and relevant information from the additional information from Whitewater NZ has now been included in the Department's recreation assessment of the effects on the hydro scheme*. However, as demonstrated in Appendix A, as far as we can ascertain, all the information which has been incorporated in the Technical Recreation Assessment has been provided previously, either within the concession application, including the Recreation Report<sup>7</sup> or in comments on the WWNZ (Jan) Report.
11. Westpower therefore considers that the WWNZ (May) Report does not come within section 17S(4)(a) or (b) of the Act. The Department's original position, rejecting the WWNZ (May) Report, is correct. Westpower respectfully requests that the Department does not accept this report.

#### **Comments on the WWNZ (May) Report**

12. Despite Westpower's position that the WWNZ (May) Report should not be considered and or referenced at this point in time, Westpower's specific responses to the report and the Department's Technical Recreation Assessment are set out in **Appendix A**. Westpower has provided its comments within the one week timeframe given and may well have further comments on these documents later in the process.
13. It was apparent from reading the Technical Recreation Assessment, as provided to Westpower on 4 November, that 'information' contained in the WWNZ (May) Report has been accepted on face value by the Department, without any independent analysis or consideration of material already provided by Westpower. Specific examples of material already provided by Westpower, to which the Department should have regard, are provided in **Appendix A (Tables 1 and 2)**.
14. After Westpower raised this issue with the Department, on 9 November 2015, the Department advised that:
  - (a) material Westpower had previously provided (including our comments on the WWNZ (Jan) Report) had been overlooked; and
  - (b) the Department would update its Technical Recreation Assessment after checking this material.<sup>8</sup>
15. Thank you for providing Westpower yesterday with a copy of the updated Technical Recreation Assessment. Comments on the latest changes to the Technical Recreation Assessment have been added to Table 1 and are in red.
16. Westpower has structured its response by focusing initially on the sections highlighted in yellow, in the version of the Technical Recreation Assessment attached to your 4 November email. As

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<sup>7</sup> Westpower Waitaha Hydro Investigations Recreation and Tourism Assessment of Effects prepared by R Greenaway & Associates.

<sup>8</sup> Email Di Clendon to Sue Cotton 9 November.

advised in that email, these sections reflect changes to the Technical Recreation Assessment which resulted from the WWNZ (May) Report. We have also made comments on the Technical Recreation Assessment where we think further comment could be helpful or clarification is required. Both sets of comments are contained in **Appendix A, Table 1**.

17. In addition, Westpower has focused only on key factual errors in the WWNZ (May) Report because Westpower is anxious for its application to be processed without additional cost and delay. These comments are provided in **Appendix A, Table 2**. However, Westpower reserves the right to comment on all other aspects of the WWNZ (May) Report should this report be used in subsequent WWNZ submissions.
18. Westpower looks forward to receiving the Department's draft decision prior to the end of November, as indicated by the Department.

Yours sincerely



**Rodger Griffiths**  
**General Manager - Assets and Engineering Services**  
Westpower Ltd/ElectroNet Services Ltd

## Abbreviations

BP	Bullet point
FN	Footnote
Recreation Report	Westpower Waitaha Hydro Investigations Recreation and Tourism Effects prepared by Greenaway & Associate. Appendix 19 of the WHS Application.
Technical Recreation Assessment	Advice Required on Waitaha Hydro Concession Application ( Report from Ian Wightwick, Technical Advisor – Recreation, Hokitika to Dianna Clendon, Permissions Senior Advisor, Hokitika, dated 19 March 2015 (and 27 May 2015 and 22 October 2015 and 9 November 2015).
Westpower response to WWNZ (Jan) Report	Comments on WWNZ Report: Impacts of the Proposed Waitaha River Westpower Hydro Scheme on White Water and Kayaking Values. Provided by Westpower to DOC on 30 April 2015.
WHS Application	Waitaha Hydro Scheme Concession Application submitted to DOC 31 July 2014.
WWNZ (Jan) Report	Impacts of the Proposed Waitaha River Westpower Hydro Scheme on Whitewater and Kayaking Values. Prepared by WWNZ, dated January 2015.
WWNZ (May) Report	Additional Information from Whitewater NZ on the Proposed Westpower Waitaha Hydro Scheme. Prepared by WWNZ, dated 1 May 2015.

Table 1: Comments on Technical Recreation Assessment including changes as a result of the WWNZ (May) Report.

Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
<p><i>Description of relevant planning documents</i></p> <p>p2, West Coast Te Tai Poutini Conservation Management Strategy</p> <p>p34, Conclusion</p> <p>p36, Risks</p>	<p>P18, Section 4. Consistency of the application and proposed scheme with Conservation General Policy and the West Coast Conservation Management Strategy</p>	<p><i>WHS Application: 10.2.3.5 (p168 - 183), and in relation to this report Section 3.6 Peoples Benefit And Enjoyment (pp175-181)</i></p> <p><i>Westpower response to WWNZ (Jan) Report: p8, Appendix V1</i></p> <p><i>WHS Application: Appendix 23, The Hokitika Place.</i></p>	<p><u>The Technical Recreation Assessment:</u></p> <ul style="list-style-type: none"> <li>- Highlights parts of the Hokitika Place desired outcome with respect to peoples benefit and enjoyment of the backcountry-remote zone.</li> <li>- Does not include reference to the outcome that: "<i>Hokitika is a world-renowned rafting and whitewater kayaking destination. The Styx, Toaroha and Kakapotahi rivers and the Totara Lagoon are maintained as key places for kayaking that are free from high numbers of other users during kayaking trips.</i>" (CMS, p249)</li> <li>- Does not recognise the Recreation Report assessment that the outcomes of the Hokitika Place will still be achieved with the Scheme in place.</li> <li>- Does not consider the purpose for which the land, i.e. Stewardship land, is held when considering assessment of effects and risk.</li> <li>- Makes no overall conclusions with respect to kayaking matters and the statutory framework.</li> </ul> <p><u>The WWNZ (May) Report</u></p> <p>As per Westpower's previous response to the WWNZ (Jan) Report, a planning assessment was not requested by DOC. While it is noted that the WWNZ (May) Report is uncertain</p>

Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
			<p>(i.e. " ... do not seem to be ..." as to consistency with Parts of the CGP and CMS, Westpower considers that any planning assessment/comment throughout the WWNZ (May) Report should not be considered.</p> <p>The application for concession submitted by Westpower contains a comprehensive assessment of Statutory Provisions (Section 10 pp 159-184), undertaken by a suitably qualified person, which addresses those matters relevant to the application, including:</p> <ul style="list-style-type: none"> <li>- The Conservation Act 1987;</li> <li>- Conservation General Policies 2005;</li> <li>- West Coast Conservation Management Strategy 2010-2020, including the Hokitika Place and associated "Outcomes".</li> </ul>
<p><i>Whitewater kayaking in the Waitaha Valley</i> p8, para 1, highlighted FN12, (usage value)</p> <p>p34, Conclusion, highlighted para 1</p>	<p>p8, para 4</p>	<p><i>Westpower response to WWNZ (Jan) Report: Usage value, p4.</i></p> <p><i>Recreation Report: 6.5.1 Kayaking, p55</i></p>	<p>Westpower has always acknowledged that numbers alone are not the key determinant of value.</p> <p>As stated in their Technical Recreation Assessment (p8, para 1), the Department considers that this level of usage (approx 50 per year on the Waitaha) appears to be a fair assessment.</p> <p>We understand however, the Department is saying that having taken into account the opposing submission of WWNZ, the Department considers the Westpower estimate to be a fair assessment and matches the RIVAS assessment 2009.</p> <p>Having accepted this estimate, it is noted that in the conclusion of the Technical Recreation Assessment, the</p>

Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
p9, highlighted para 3, (reach below Morgan Gorge)  (Note: Recreation Assessment incorrectly attributes this highlighted comment as being on p8 of the WWNZ (May) Report)	2.4 Errors in Fact and Assessment of Effects p10	<i>Recreation Report: Table 1 (7.2.3) p9</i>	numbers have been amended from 50 to 50 – 100 PA although the conclusion on usage level remains the same.  There is no discussion in the Assessment for the higher 50 – 100 figure.  The Recreation Report has always acknowledged this as a constraint in the abstraction reach below Gorge.  See additional notes in relation to Section 2.4 in Table 2 below.
<b>Morgan Gorge</b> pp12-13, highlighted para 4	p8, 2.3 Significance of setting to recreation, para 2	<i>Recreation Report: Sections 5.2, 6.1, 7.3.1, - 7.3.4</i>  <i>Westpower response to WWNZ (Jan) Report: Previous assessment of values p5</i>  <i>WWNZ (Jan) Report: Appendix III, p31</i>	Disagree with this statement as this was well covered in the Recreation Report and highlighted in our previous response document.  (Note: that the first sentence in this highlighted paragraph is incorrect and misquotes the statement in the WWNZ (May) Report and needs to be either or amended or removed).  In addition, DOC requested further information from WWNZ on this aspect e.g. newly run sections of the rivers in the style of the river reports used in the Andy England: Assessment of the whitewater recreational values of the West Coast Rivers. WWNZ provided this information in the earlier WWNZ (Jan) Report.
<b>Future use of the Waitaha River by kayakers</b> p14, para 2, FN 31		<i>Westpower response to WWNZ</i>	The earlier WWNZ (Jan) Report (p11) acknowledges that use



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Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
re current use of sections of Waitaha River		<i>(Jan) Report: Usage values, pp4-5 WWNZ (Jan) Report: p11</i>	of the Waitaha River is low compared to other kayaking runs on the West Coast and nationally and that, due to both the technical difficulty of runs and access, "most kayakers cannot and will not ever kayak these difficult runs".
<b>Alternative options to manage flow regimes</b>			
p23, Comments p34, Conclusion	p7, 2.2 Kayaking flow needs in the Morgan Gorge	<i>Westpower response to WWNZ (Jan) Report: pp5-6</i>	Comments relating to 100% loss of flow availability were provided in Westpower's previous response to the WWNZ (Jan) Report. Westpower stated that it does not agree that there will be 100% loss of kayaking opportunity.  It also notes that the range of flows through which Morgan Gorge can be safely kayaked is based on very little data.
p25, highlighted para 5	p11, para 3	<i>Recreation Report: Table 1 - 7.2.3 (p9) and Section 7.3.3(p62)</i>	This was covered in the Recreation Report, has always been acknowledged and is not new information.  This was also discussed in the previous WWNZ (Jan) Report.
<b>River Values Assessment System (RIVAS)</b>			
p28, highlighted para 3 p34, Conclusion, highlighted para 1	p6, para 3	<i>Recreation Report: 4.4 RIVAS Assessment p30</i>	DOC as indicated earlier in their Technical Recreation Assessment (para 1, p8) agrees with the low numbers (50 per year), therefore there is no need to change the score.  Yes, it is agreed that RIVAS is developed for each application and constantly being refined. It has been applied to several suites of recreation and natural river values within several regions.  RIVAS provides the most completed description and analysis of white water settings on the West Coast and remains a significant resource for identifying the scale of alternative kayaking options on the West Coast and resource

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Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
pp29-31		<p><b>Recreation Report: pp 29-30</b></p> <p><b>Westpower response to WWNZ (Jan) Report: pp2-4</b></p>	<p>substitutability. It is therefore appropriate to use as part of this assessment.</p> <p><u>Revised Technical Recreation Assessment – 9 November 2015</u></p> <p>Westpower received an updated version of the Technical Recreation Assessment on 11 November 2015.</p> <p>This latest Technical Recreation Assessment now incorporates some additional information that was included in the Recreation Report and the Westpower response to WWNZ (Jan) Report (for example the excerpts now included from Andy England's report).</p>
<p><b>Comments on measures</b></p> <p>p33, 5<sup>th</sup> BP, (Comment on removable nature of weir)</p>	p12, Section 2.8	<p><b>WHS Application: CGP Policy 11.3 Utilities (pp166-167)</b></p> <p><b>Recreation Report: pp9 and 71</b></p>	<p>The WWNZ comments highlight a lack of understanding of Conservation General Policy 2005 (the CGP). In providing for the potential for utilities to be located on public land it is policy (CGP 11.3(e)) that "(e) <i>Utilities that are redundant should be removed from conservation land and waters and the site restored as far as practicable .....</i>". both the Recreation Report and WHS Application acknowledge this as being consistent with the policy for utilities.</p>
<p><b>Conclusion</b></p> <p>p34, highlighted para 1</p>	p18, para 1	<p><b>Recreation Report: Section 7.3.4 (p63)</b></p>	<p>Agree but advise that this was covered in the Recreation Report.</p> <p>Conclusions are provided in the Technical Recreation Assessment with respect to tramping/hunting and hot pools but not for kayaking.</p> <p>It is understood that the overall assessment is that the</p>

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Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
<i>Risks</i>			application is complete but a final conclusion with respect to effects on recreation is outstanding.
p36, para 3 re Conservation Act			<p>This refers to what kayakers may consider in terms of consistency with the Conservation Act 1987 but does not highlight the status of the land, purpose for which it is held and how that is to be interpreted.</p> <p>The land is Stewardship Land, not subject to special protection under Part 4 of the Act, and is required under section 25 of the Act to be managed to protect, rather than preserve, its natural and historic resources.</p>
<b>27 May RC8900 – Advice required on Waitaha Hydro Concession Application</b>			
pp43-44	<p><i>Westpower response to WWNZ (Jan) Report: p5</i></p> <p><i>Recreation Report: pp 31, 53</i></p>		<p>The 27 May advice related only to the request for further information on “No Take Days” and “Weir Design”. Following review of the further information provided by Westpower, the Department concluded that there was now sufficient information to complete their assessment.</p> <p><u>Revised Technical Recreation Assessment – 9 November 2015</u></p> <p>This includes additional comments in relation to the usage of Morgan Gorge and the proposed ceases to abstraction/no take days.</p> <p>The Technical Recreation Assessment concurs with the assessment of low usage and comments that the future use is unknown.</p> <p>It notes that given the low usage that the proposed 2 days for</p>

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Technical Recreation Assessment References	WWNZ (May) Report References	Cross Reference to Previous Information Provided to DOC	Comments
			<p>ceases to abstraction/no take days is reasonable.</p> <p>It also comments that should demand to kayak the Morgan Gorge either increase or decrease an additional condition be included to review the number of cease to abstraction/no take days be reviewed on a 5 yearly basis.</p> <p>Westpower would support a condition to that effect.</p>
<b>References to ceases to abstraction/no take days and weir design</b>			
<p>p19, Comment</p> <p>p26, No take days</p> <p>p32, 1<sup>st</sup> BP</p> <p>p33, 2<sup>nd</sup> BP</p> <p>p36, Risks</p>			<p>These comments have been superseded by the 27 May Recreation Assessment Advice; therefore the overall document needs to be updated to incorporate all amendments into the report otherwise the report read alone is inaccurate and could create confusion.</p> <p>Similarly this now applies to the 9 November 2015 revision.</p>
<b>Revised Special Conditions</b>			
<p>p21, Condition 17.1</p> <p>pp17-18, Condition 17.2</p> <p>p19, Additional Special Condition to be included relating to foot access from existing track on true right to intake.</p>			<p>Proposed changes to Conditions 17.1 and 17.2 are acceptable to Westpower.</p> <p>Proposed additional Special Condition is acceptable to Westpower.</p>

Table 2: Additional Comments on the WWNZ (May) Report

WWNZ (May) Report Reference	Cross Reference to Previous Information Provided to DOC	Comments
p2, 2.1.1 General, paras 1 -3	<p>WHS Application: Sections 4.14 (pp 30-31), 7.13 (pp107-108) Table 12 (131-132)</p> <p>Recreation Report: Sections 1.1, 1.3, Table1, Sections 4.2-4.5, 4.11, 5.2, 6.5.1, 7.3.1 – 7.3.4.</p> <p>Westpower response to WWNZ (Jan) Report</p>	<p>These statements are incorrect.</p> <ul style="list-style-type: none"> <li>- The value of Morgan Gorge to kayakers is clearly stated in the Recreational Report and WHS application.</li> <li>- The use of the literature is thorough, appropriate, in context and helps to provide an objective assessment of the recreational activities within the Waitaha Valley.</li> <li>- The Recreation Report provides an up to date review of recent kayaking achievements within the Waitaha Catchment.</li> </ul> <p>As stated in the Technical Recreation Assessment (p33), "Westpower has provided a detailed description and assessment of the recreation use of the Waitaha Valley."</p>
P3, 2.1.2 Relevance of some older literature Underlined para, p3, FN 8		<p>R Greenaway has advised that he has no recollection or record of M Hopkinson making this comment to him in the "past."</p>
P5, FN 11 Caucusing		<p>It should be noted that this conversation was privy to caucusing rules Environment Court of New Zealand Practice Note 2014: "Like mediation, conferencing is a private procedure and, apart from any agreed primary data, and the joint statement produced at the conclusion of the conference, what is said or done at the conference cannot be referred to or relied on in any proceeding before the Court. In that sense it is a "without prejudice" discussion, although those participating may report back to the parties engaging them."</p> <p>Without prejudice discussions enable a free and frank discussion and exploration of issues and alternatives without committing any party, unless agreement is reached by all parties on a matter.</p> <p>The breach of this appears to be indicative of the author's position as an advocate.</p>

WWNZ (May) Report Reference	Cross Reference to Previous Information Provided to DOC	Comments
<p><b>2.4 Errors in fact and assessment of impacts</b></p> <p>p10, para 1 (re abstraction reach below Morgan Gorge)</p>	<p><i>Recreation Report: para 11, pp46-47</i></p>	<p>– “largely grade 2”. That is correct for the river below the Gorge – and the WWNZ (May) Report is correct that there are some higher grade sections present. However this information was noted in the Recreation Report which stated that:</p> <p><i>“ Kayakers across a greater range of skill levels can paddle the whitewater section below Morgan Gorge because the rapids decrease in grade (from 5 to 2) as the River flows downstream. The section below Morgan Gorge receives use from kayakers who walk up from the road end, as well as those who paddle the Waitaha Gorge and portage Morgan Gorge. Therefore this section will receive greater use than the Waitaha Gorge section.”</i></p>
<p>p10, para 2, (re tributary inflows)</p>	<p><i>Recreation Report p62</i></p>	<p>The WWNZ (May) Report states that the Recreation Report is misleading by implying that tributary inflows will make this section kayakable. This is incorrect and taken out of context.</p> <p>It is stated in the Recreation Report that:</p> <p><i>“For a take of 23 m<sup>3</sup>/s, and residual flow of 3.5 m<sup>3</sup>/s, flow effects are represented by a residual flow of 3.5 m<sup>3</sup>/s under the Scheme compared with 4.8 m<sup>3</sup>/s naturally and a reduced frequency of high flows above the minimum flow. Tributary inflows below the weir will be insufficient to ameliorate the low flow effects – they might very marginally reduce the scale of effects for those portaging Morgan Gorge (see section 7.3.3), but the flow at the top of Morgan Gorge will determine the ability to kayak any of it.”</i></p> <p>And on the same page of the Recreation Report it states that:</p> <p><i>“The flow below Morgan Gorge will be augmented by flows from Anson Stream and Glamour Glen. These two waterways boost the residual flow considerably after rain, and for 50% of the time they add a further 0.7 m<sup>3</sup>/s. The residual flow between Glamour Glen and Douglas Creek would be at least 4.2 m<sup>3</sup>/s for 50% of the time. These inputs are unlikely to provide sufficient flow to reduce the scale of effects of the residual or reduced flows</i></p>

WWNZ (May) Report Reference	Cross Reference to Previous Information Provided to DOC	Comments
<p>p10, para 4, (re no ceases to abstraction mentioned)</p>	<p><i>Recreation Report: Section 7.4 p66</i></p> <p><i>WHS Application: Section 9, 17.0 Conditions Recreation Use, pp155-156</i></p> <p><i>Westpower response to WWNZ (Jan) Report: Scarcity and status values p4, para 4</i></p> <p><i>Request For Information - Kayaking provided to DOC on 30.4.2015</i></p>	<p><i>caused by the Scheme on kayakers. The 'high' scale of change identified for Morgan Gorge, above, would therefore also apply to the Douglas Creek reach".</i></p> <p>This statement is misleading. The WWNZ (May) Report fails to acknowledge any proposals for ceases to abstraction.</p> <p>The Recreation Report proposes recommended mitigations which included "Develop a regime of ceases to abstraction to support continued kayaking in the river". The proposed conditions forwarded by Westpower, as part of the WHS application were based on the advice in the Recreation Report and discussions with WWNZ.</p> <p>Whilst agreement on ceases to abstraction was not reached during any discussions with WWNZ prior to lodging of the concession application, Westpower included proposed conditions 17.3 and 17.4 in the concession application. These were to provide for the continued opportunity to kayak Morgan Gorge in a way which addresses kayaking interests.</p> <p>In April 2015, in follow up to the request for further information from DOC, Westpower approached WWNZ for input into the modified draft conditions. Without any specific feedback from WWNZ on these modified draft conditions they were submitted as is to DOC.</p> <p>Westpower stated in the correspondence with WWNZ (material sent to DOC, 30 April) that the Company remains willing to continue discussions on ceases to abstraction with WWNZ.</p>
<p>p13, 2.9 Conclusion, para 2</p>		<p>The WWNZ (May) Report confuses an assessment of effect at the local river-specific level and at the regional level.</p> <p>It is not clear whether Mr Rankin is saying that no-one will kayak the West Coast if there is a flow effect on the Waitaha.</p>

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<b>WWNZ (May) Report Reference</b>	<b>Cross Reference to Previous Information Provided to DOC</b>	<b>Comments</b>
p13, 3.Summary of differences between the Waitaha Hydro Scheme and Amethyst Hydro Scheme		This is not relevant and reflects the discussion within the Baldwin Report. This cannot be seen as supplementary to the technical information requested by the Department. Therefore we have not made any comment on this section other than to note that the value of references to the Amethyst Scheme within the concession application has been included in the response to the Baldwin Report.