

Before:  
THE WEST COAST REGIONAL COUNCIL  
AND THE BULLER DISTRICT COUNCIL

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of applications for resource  
consents by Hydro  
Developments Ltd for the  
Stockton Plateau Hydro  
Power Scheme

**ADDENDUM TO STATEMENT OF EVIDENCE OF  
S42A STAFF REPORT**

**As requested by the Hearings Committee**

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## **Background**

At the close of the hearing in August, the Hearings Committee requested that the Applicant and Council Officers reconsider the conditions being proffered, to identify whether the adverse effects of the activities could be adequately avoided, remedied or mitigated by way of conditions.

The Committee also requested that the Council Officers provide the Committee with a conclusion as to whether, in our planning opinion, we could make a recommendation to grant or decline the applications.

## **Conditions**

The Hearings Committee requested that the Applicant consider the evidence submitted at the hearing and identify any changes to the proffered conditions. These changes were to be provided to Council staff for review and comment, with the comments going back to the Applicant to amend or not.

Attached as Appendix 1 are the conditions, showing the timeline of changes to the conditions.

In summary, the Applicants proffered conditions are in Column 1. These are a combination of the changes that have occurred throughout the project. The original conditions are in black, with changes made prior to the hearing being underlined or crossed out in black. New conditions presented at the hearing, or in response to the evidence submitted during the hearing are in red and blue.

The Council Officers have made comments in the middle Column. The comments are in black, with recommended changes to conditions being tracked in a maroon/purple colour. The Officers have tracked changes to the Applicants offered conditions in Column 1, in terms of wording or deleting conditions. Replacement or new conditions are included in the middle Column.

The Applicant has considered the Officers comments and amendments to the conditions, and has responded in the third (right hand) Column. The Applicants amendments to conditions have been shown in green.

## **WCRC Comments on Draft Conditions and Final Recommendations on RC08149 Hydro Developments Ltd, Stockton Plateau Hydro Scheme**

The West Coast Regional Council has considered the reviewed statements from Hydro Developments Ltd in terms of the consent conditions. As HDL have accepted a number of the WCRC provisions, the WCRC is mostly in agreement with the amendments to the draft consent conditions, as set out in the table.

The WCRC consider there to be three conditions which the Applicant does not accept the comments by the Council Officers. The Council wishes its comments to stand for these conditions, and does not accept the arguments put forward by the Applicant. These matters are:

- In regard to the bond (Condition 5.8 of the general conditions for all consents) the issue is what the cost to the Council would be to rehabilitate the site if HDL no longer existed or walked away from the site. These costs may well be greater than what it would cost HDL to undertake the works. The Council would prefer the bond wording to remain as amended by Colin Dall.
- In regard to the Management Plans (Condition 2.8 of the WCRC general conditions), the alternate wording by HDL still only allows two months for the review of the revisions with no comeback. This is the issue that the Council finds unacceptable.
- In regard to the ocean outfall (Condition 15 of Coastal Permit RC08149/5) the expert has recommended that *Fe* and *Al* be moved to the toxicants list along with *Cd* to be added. Even though these parameters do not have ANZECC limits to be applied they are important components of the discharge to be monitored. The remainder of the parameters are relatively low cost but would add quality information to the parameters being measured.

It is recommended that, with the relevant consent conditions applied, the effects of the HDL Stockton Plateau Hydro Scheme will be no more than minor and that the WCRC consents should be **granted**.

It is further recommended that the commissioners may recommend to the minister of Conservation that Coastal Permit RC08149/2 for the erection and placement of the ocean outfall pipeline and diffuser be **granted**.

## **BDC Comments on Draft Conditions and Final Recommendations on RC08/131 Hydro Developments Ltd, Stockton Plateau Hydro Scheme**

Both I and Miss Helen Montgomery (Buller District Council's Team Leader Planning and Policy) have considered the reviewed statements from HDL in terms of the consent conditions.

HDL has agreed to a number of the BDC provisions, which we accept and do not comment further on.

There are however a number of recommendations or comments which have not been adopted by the Applicant which remain as live issues. Below is an assessment of those issues. (I note that a number of the comments are referred to in numerous conditions, and rather than identify each condition, I have commented on the first condition to which it relates, however the references should be drawn down to all similar conditions.)

The Applicant also commented on my recommendations to include conditions from other consents. This is in order to cross reference consents, and requirements from the various consents, particularly where a consent may be transferred. Of note is the consent to construct and maintain the haul road. Cross referencing is required to the heritage consent so that should the haul road consent be transferred, the new consent holder complies with the heritage requirements as well.

- **General Condition 4.1, pg 2**

While BDC accepts the amendments as suggested by Mr Dall, we wish it to be clear that the term "*anniversary of the date that these consents are first relied upon*" is from the date that consents are first given effect to, and not from the time when the consents are granted.

- **General Condition 5.8, pg 5-6**

BDC accepts the amended condition as suggested by Mr Dall, however we note that the wording in the first sentence should relate to any physical activities such as the preparation of the construction sites, tunnelling etc rather than just for earthworks related to "*the construction of either dam and/or undertaking works in streams*".

We also concur with Ms Clarks comments, that when determining the bond level, the Councils must consider the costs that they would incur if the consent holder was no longer at the site, rather than the costs for HDL to rehabilitate the site.

- **General Condition 5.9, pg 7 (and a number of other conditions)**

Questions were raised about the rehabilitation of the site to achieve a 90% established cover of the site. The BDC's intent of this condition is that prior to any physical works, a study of the site is undertaken, assessing the degree and diversity of flora. The rehabilitation of the site is to ensure that there is a 90% return of coverage and species diversity at the site from the original flora. The purpose of this is to ensure that the diversity of flora on the Stockton Plateau is retained, and that the disturbance to the site is reduced as much as possible. This acts three fold in terms of restoring the habitats of fauna, reducing the impacts on the landscape and reducing sediment loss.

- **Comment on Pg 9**  
 The original conditions proffered by HDL located all of the management plans within a suite of general conditions which related to all consents. At the hearing the Applicant split these between the two Councils. The Applicant agrees with my statement that the management plans should be brought back into one suite of general conditions rather than trying to separate them out between the Council's as there are a number of cross over matters.
- **WCRC General Condition 1.2aa, Pg 10 (and BDC Pg 61-62)**  
 I consider that a condition needs to be included within the design reports regarding the height of the dam and the level of inundation. While I accept comments in the hearing and the Applicants response that this can relate to the RL level of the reservoirs, I have referred back to the dam heights as this was what was applied for. I note that if the dam at Weka Creek exceeds 25m in height (as a result of the final RL level), this structure will become a non-complying activity.
- **WCRC General Condition 1.2, Pg 10 (and a number of other conditions)**  
 Mr Dall has recommended that management plans and reports be *peer reviewed and certified by an appropriately qualified and experienced [independent] engineer acceptable to the Consent Authorities* instead of in-house certification. I accept that this is appropriate, and removes demand placed on the Councils. This would need to be cross referenced into the various management plan conditions, with the reviewer being referred to as an expert rather than engineer to accommodate the various plans.
- **WCRC General Condition 2.2, Pg 13**  
 As noted in my general comment on Pg 9 which is referred to above, I consider that all reports and management plans should be provided to the two authorities rather than separated out. The functional responsibility of the micro-tunnel is with the WCRC, however I note that the potential effects of subsidence may result in effects that are a responsibility of the BDC.
- **WCRC General Condition 2.4, Pg 13 (and a number of other conditions)**  
 In terms of the management plans being reviewed by an independent appropriately qualified and experienced expert, I am uncertain as to whether the Applicant is accepting that they take the lead in terms of providing the report directly for peer review, with the comments being provided to Council, or whether the Council sends the plans for peer review. This would affect the wording of the conditions which relate to timing of approval of the plans.
- **WCRC General Condition 2.7, Pg 14**  
 In terms of wording regarding costs, the BDC wish this to reflect the wording of the Act. If the Council is to arrange the peer review as identified in Condition 1.2 above, then the Applicant should be required to pay the actual cost of the review.
- **WCRC General Condition 2.8, Pg 14**  
 The BDC agree with WCRC that if the management plans are to be reviewed in house, then the Council's require more than two months considering the effects of the proposed amendment and responding to the Applicant. This may not be the case if the plans are peer reviewed by an independent expert as identified in 1.2 and the review provided to Council. I accept the comments by Mr Dall.

- WCRC General Condition 5.1, Pg 20 (and a number of other conditions)**  
Both WCRC and BDC note that a number of management plans, or sections of them, are required prior to the geotechnical investigations, and not just prior to construction activities. Mr Dall recommended a change of wording which I accept.
- WCRC General Condition 5.2, Pg 20-21 (and a number of other conditions)**  
I acknowledge the comments made by Mr Dall, which has been discussed above. The preferred wording of the condition is this:  
*Methods for monitoring the success of revegetation planting to ensure that it achieves at least 90% establishment of the diversity and cover of flora of the disturbance area that existed pre-disturbance, unless the revegetation is unsuccessful due to “reasons beyond the control of the Consent Holder”.*  
*Note: Examples of reasons beyond the control of the Consent Holder includes fire not caused by the consent holder, or disease/pest disturbance.*
- WCRC General Condition 8.1, Pg 25**  
Mr Dall’s comments in condition 1.7 refer to the dam maintenance and operation requirements as set out by NZSOLD. This is appropriate.  
The scheme plan however will be required to include the on-going requirements for operating and maintaining all of the scheme components. A number of these are relevant for the BDC, and this is an appropriate condition which should be included within the general suite of conditions that relate to both authorities.
- WCRC General Condition 11, Pg 29**  
The Pest and Weed Management Plan should be required for all areas of disturbance and not just the reservoir areas.
- Proposed Condition regarding geotechnical drill sites, Pg 39**  
The intent of this recommended condition was to reduce impact on the plateau, in particular from new tracking to the drill sites. The Applicant has volunteered that *Where drilling is required within the MAPPS reserve and existing access roads are not available to the drill sites, drill rig access shall be via helicopter.* This is acceptable, with accessible being within the 75m<sup>2</sup> of existing tracks. In order to reduce effects, vehicles that are required to track to a site outside of the MAPPS area, should have rubber tracks so as to reduce the effects on the vegetation and avoid creating ruts which may alter surface water pattern and sedimentation.
- WCRC Land Use Consents RC08149/10-12 Condition 15, Pg 42 (and a number of other conditions)**  
The Council requires the rehabilitation stipulated in this condition, whereas currently this volunteered condition reads that as far as practicable the consent holder shall make available salvaged material for rehabilitation. I consider that the wording should be stronger to require the salvaged material for rehabilitation. If the consent holder makes additional material available for others, then provided this is within the reservoir areas, this should be fine.
- Proposed Condition regarding removal of vegetation within reservoirs, Pg 43 (and a number of other conditions)**  
The Applicant commented in the hearing that they would be prepared to remove emergent vegetation that protrudes through the minimum operating level so as to avoid dead vegetation breaking the surface of the reservoir. I accept that this should relate to the larger vegetation so as to minimise the disturbance.

- **BDC General Condition 5.2, Pg 71**  
 In regard to surveying snails within the MAPPS area, the Applicant and I remain in disagreement. I consider that this is still a relevant matter which requires mitigation through conditions, as the Applicant has provided no supporting technical evidence on the flora and fauna along the Granity tunnel route, especially within MAPPS.
- **BDC General Condition 9.1, Pg 77**  
 In terms of mitigating the effects on heritage, it is our Technical Expert's position that a heritage management plan is required, and that as part of this, an Accidental Discovery Protocol is put in place. A heritage management plan provides the mechanism to outline the methodology for identifying, recording, recovering, restoring and relocating artefacts. An Accidental Discovery Protocol only outlines the process about what is to occur if an artefact is uncovered (and is usually only a one page document). I consider that this is still a relevant matter which requires mitigation through conditions. The Applicant has tried to address a number of these matters, however in-correctly references back to the Protocol.
- **Proposed Condition regarding surveying Fly Creek, Pg 78**  
 While I accept that the other sites are covered by way of condition 7 in RC08/131G, Fly Creek is not. At the site visit, the expert identified unrecorded artefacts at the confluence of Fly Creek, an area which will be flooded. It is considered appropriate that further surveying and recording of the site is undertaken, as this area will be subject to inundation from Mt William reservoir. I consider that this is still a relevant matter which requires mitigation through conditions.
- **Council comment regarding provision to conserve/restore, Pg 79**  
 This comment referred to the financial provision required to be able to conserve or restore artefacts which are to be relocated to either the Weka display or off site. While not recommending a funding condition, this could be something that it specifically identified in a condition or more appropriately, within the heritage management plan.
- **BDC General Condition 10.3, Pg 80**  
 In terms of the recreational conditions, I accept that a lot of the matters are identified through other consents, however they should be brought together in the general conditions regarding recreation. Of importance, is the ability to connect the two walking tracks.
- **BDC General Condition 11.2, Pg 82**  
 The Councils amendments reflect the comments made in the s92 response, that the transportation of heavy commercial vehicles would be limited to those hours associated with above ground activities. I recommend that this be imposed by way of condition.
- **BDC General Condition 12.3, Pg 84-85**  
 Condition 12.3 does not provide enough certainty about how regularly monitoring is to be undertaken in terms of blasting activities, as such, it is recommended to include provisions regarding timing of monitoring until such time as there is no effect at Granity.

- **Proposed Condition regarding blasting on the Plateau, Pg 85-86**  
 This condition has been cross referenced from SENZ's Cypress Mine consent, to ensure that all operators are working under the same provisions. Once within the tunnel, blasting can occur as required.
- **Proposed Condition regarding survey of buildings in relation to blasting, Pg 86**  
 This condition has been copied from RC08/131C which is the micro-tunnel consent. It is recommended that this condition be kept so as to deal with vibrations and blast effects from the main tunnel.
- **BDC General Condition 13.2, Pg 88**  
 The Applicant has applied to exceed lux levels, however has not provided a standard to which they will comply. I accept that the mechanisms provided in 13.1 will reduce levels, but what measureable level are they trying to meet. The lux levels should be no more than double, ie 20 lux, during micro-tunnelling and 15 lux during the balance of the construction.  
*The Consent Holder shall ensure that any light spill at the Granity construction site does not exceed 15 lux (horizontal or vertical) of light at any adjoining property, measured 2 metres inside the boundary of the adjoining site, except during micro-tunnelling, when the Consent Holder shall not exceed 20 lux.*
- **BDC General Condition 14.6, Pg 88**  
 I accept the comment of an average number of movements per week being 10 per day, which is consistent with the s92 response.
- **BDC General Condition 20, Pg 91**  
 A timeframe needs to be imposed to pay the financial contribution rather than leaving payment until 'a project' has been found. Council has in the past required this either prior to construction or at the time the scheme becomes operative.
- **BDC Land Use Consent RC08/131C Condition 5, Pg 98**  
 I accept that entry into the property is reliant on the landowner's permission to inspect the structural integrity of the buildings, however the Applicant should provide evidence that they have made every effort to obtain access for inspection.
- **BDC Proposed Condition regarding monitoring in Land Use Consent RC08/131C, Pg 98-99**  
 I consider that it is important for the heritage structures which are not permanently occupied to be monitored during the tunnelling operation, so that should any damage be noticed during tunnelling, that works cease immediately until a solution is identified (this may be as simple as agreeing to compensation post construction).
- **BDC Land Use Consent RC08/131C Condition 6, Pg 99**  
 I accept this condition requiring monitoring of structures post construction of the micro-tunnel.  
 Something not mentioned previously was monitoring post commissioning of the scheme, and whether the operation of the micro-tunnel will affect the structural integrity of buildings or subsidence of ground levels. In particular whether there would be an effect if there was a leak in the tunnel, or from the shutting off and turning on of the ocean outfall discharge during emergencies. Monitoring 5 and 10 years post commissioning of the scheme should address this matter.

- **BDC Proposed Condition for maintenance in Land Use Consent RC08/131E, Pg 103**  
The Applicant is concerned about the requirement for maintenance of the haul road, however the application included the maintenance of the road, so I consider this condition appropriate.
- **BDC Proposed Conditions re compliance with standards Land Use Consent RC08/131F, Pg 104**  
The Applicant confirmed at the hearing that these standards could be met, so there is no reason not to include this condition.
- **BDC Proposed Conditions re heli installing poles Land Use Consent RC08/131F, Pg 105**  
Some of the power pole sites do not have road access. Provided materials/poles are carried to the site and not dragged, and similar to the drilling condition, any vehicles requiring to access pole sites off existing access tracks are rubber tracked, then there is no requirement to install via helicopter.
- **BDC Land Use Consent RC08/131G Condition 7, Pg 106**  
My understanding from the hearing is that this portion of the loco line from the haul road to A Portal is within the DoC estate and could be included in the land swap application with the Department, therefore putting the area within the Applicants control. Adding the portion of the loco line to A Portal will result in a heritage aspect being added to the land swap, and will place responsibility for the effects of the damage to the loco line within the jurisdiction of the Applicant.  
The inclusion of this condition (to install the walking track to A Portal) would enable the effect on the loco line to be mitigated to a point whereby the expert could accept the effects on the loco line. If this portion of the loco line is not included in the mitigation package as being upgraded, then the expert still considers the effects on the loco line to be more than minor.

In general therefore, the BDC is satisfied that mitigation can occur which would address our concerns. I note however that there are two matters which remain significantly divergent in terms of what the Applicant proposes and what the Council requires in terms of mitigation, and these are the survey of snails through the MAPPS area and mitigating the effects on the loco line.

Subject to the amendments made to the conditions as outlined in the attached document and as commented above, the BDC conclude that the effects of the HDL Stockton Plateau Hydro Scheme will be no more than minor and that the BDC consents should be **granted**.

If however it is not possible to include the heritage condition regarding the formation of the walkway to A Portal, the recommendation is to **decline** RC08/131G (heritage consent) and RC08/131E (haul road consent) and **approve in part** RC08/131A/B in relation to the reservoir level of Weka Dam so as to avoid any effects on the loco line.