

23 June 2025

To

West Coast Regional Council
388 Main South Road
Paroa
Greymouth 7805

From

By Email

Dear [REDACTED]

Westpower's Waitaha Scheme fast-track application – pre-application requirement - Identification of existing resource consents

Background

1. As you are aware, we are assisting Westpower Limited (**Westpower**) in relation to its Waitaha Hydro Scheme (the **Scheme**). The Scheme is a listed project under the Fast-track Approvals Act 2024 (the **Act**) and Westpower is seeking all necessary approvals including, resource consents to enable the Scheme via the fast-track approvals process.
2. Thank you for the productive discussions regarding the Scheme that we have had to date. We really appreciate the Council's time and contribution and look forward to continuing discussions with a view to ensuring that the West Coast Regional Council (the **Council**) has a thorough understanding of the project and addressing any concerns the Council may have in advance of Westpower lodging its fast-track application (the **Application**).
3. The purpose of this letter is to formally notify the Council in accordance with section 30 of the Act, that Westpower is intending to lodge the Application at the end of May 2025. To avoid doubt this letter replaces the draft letter provided on 16 June 2025.
4. The Application seeks approval for the Scheme in the Waitaha Valley area (the **Project Site**). A map showing the Project Site is attached to this letter as **Appendix A**. The legal descriptions of all relevant property titles for the Project Site are attached to this letter as **Appendix B**.
5. We understand that Council is the consent authority with jurisdiction over the Project Site.

Request for identification of existing resource consents in accordance with section 30 of the Act

6. Westpower does not hold an existing resource consent for the same activity using some or all of the same natural resources as proposed in the Application.
7. In accordance with section 30 of the Act, Westpower therefore respectfully requests that the Council advise Westpower in writing of the following:

- (a) any existing resource consent within the Project Site to which section 124C(1)(c)¹ of the Resource Management Act 1991 (**RMA**) would apply if the approvals (resource consents) sought in the Application were to be applied for as a resource consent under the RMA; or
- (b) that there are no existing resource consents of that kind located within the Project Site.

Process for identifying existing resource consents and notifying Westpower in accordance with section 30

- 8. We respectfully suggest that the Council first review their register of consents and identify any existing consents within the Project Site.
- 9. If there are existing consents within the Project Site, the Council must consider whether or not the Application can be fully exercised prior to those existing consents expiring.
- 10. Westpower is aware of some existing resource consents within or near the Project Site but none to which section 124C(1)(c) would apply.
- 11. One such existing consent (RC-2019-0037) is for selected stone removal in the bed of the Waitaha River (consent held by Westland Schist). Selected stone is conditioned in the existing consent as being 0.3 to 1.3m in diameter and does not include gravel, where gravel is defined in the WCL&WP as “a mix of stones (up to 250mm in diameter), pebbles and finer material such as silt and sand.” The existing (Westland Schist) consent does not allow for the extraction of “gravel” and contains different conditions than would be applied to a gravel extraction consent.
- 12. Westpower's position is that there is no “same activity” as the consents are for different resources such that s124C(1)(c) would not apply. Irrespective, Westpower has an agreement with Westland Schist (who will undertake the gravel extraction under Westpower's consent for Westpower).
- 13. The Council will need to consider whether or not the proposed volume of gravel extraction sought as part of the Application could be fully exercised prior to the expiry of that consent. Again, there is an agreement between Westpower and Westland Schist ensuring that Westland Schist's consent is not affected by Westpower. However, to assist the Council the volume sought to be extracted by Westpower as part of the Application within the Waitaha River is:

23,000 m³ – see attached map of the proposed extraction area marked **Appendix C**. Note that proposed gravel extraction is from the “dry bed” of the Waitaha River.
- 14. There is also a present consent application (so not an existing activity at present) for a quarry by Kokiri Lime Company Limited. This consent is not on land subject to Westpower's application nor is it a consent for the same activity.
- 15. Having considered the above the Council must then advise Westpower in writing:
 - (a) of any existing consents for the same activity being applied for by Westpower in the Project Site that would mean that the Application cannot be fully exercised until those existing resource consents expire; or
 - (b) that there are no such existing consents located within the Project Site (which is Westpower's position).

¹ We note that section 30 also refers to section 165ZI of the RMA. However, section 165ZI only applies to aquaculture approvals, which are not relevant to the Application.

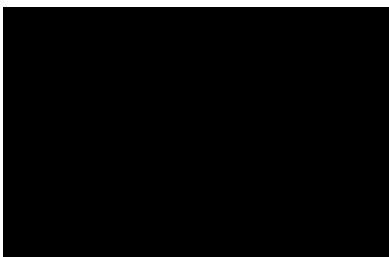
Process if there are existing resource consents

16. If, which Westpower does not consider there to be, the Council determines there are existing consents that would prevent the Application being fully exercised prior to those existing consents expiring, following notice to Westpower, the Council must comply with the remaining obligations in section 30 of the Act. The Council must:
- (a) notify the holders of any existing resource consents that—
 - (i) the Council has received notice under section 30 of the Act; and
 - (ii) the holders of existing resource consents may—
 - (1) lodge an application for a resource consent under the RMA in accordance with section 124 of the RMA; or
 - (2) if the existing resource consent relates to a listed project or referred project for which a substantive application has not been lodged, lodge a substantive application that seeks resource consent for the same activity as is authorised by the existing resource consent.
 - (b) The Council must then notify Westpower in writing if the holders of existing resource consents:
 - (i) notify the Council in writing that they do not propose to lodge an application for resource consent either under the RMA or the Act; or
 - (ii) do or do not lodge an application more than three months before the expiry of the existing resource consents.
17. We note that in accordance with section 30 of the Act, Westpower must not lodge its Application until it receives notice from the Council that there are either:
- (a) no existing consents located within the Project Site that would prevent the full exercise of the consents sought in the Application; or
 - (b) that the holder of the existing consent does not lodge an application for consent.

Conclusion

18. We trust that the above information will assist the Council in complying with section 30 of the Act. However, if you have any questions, please let us know as we're happy to assist.
19. Otherwise, we look forward to hearing from the Council whether there are any existing consents that would prevent the Application being fully exercised.

Kind regards



Appendix A.

Map showing the Project Site

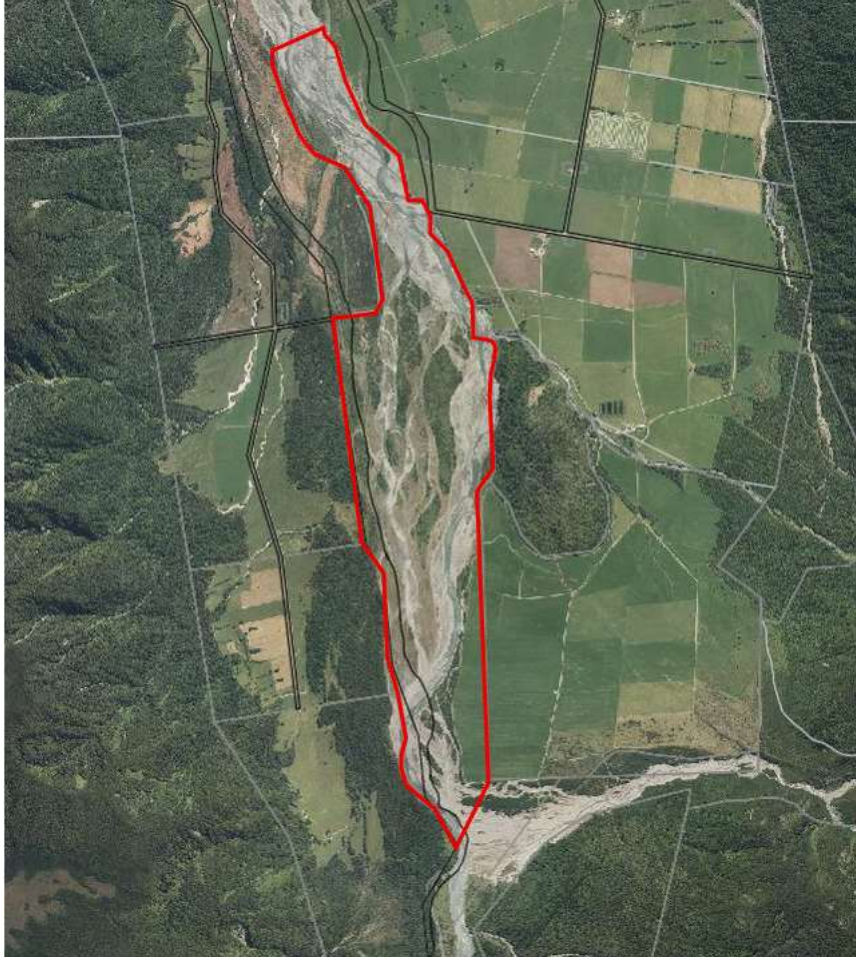


Appendix B

Legal descriptions of all relevant property titles for the Project Site

Part of Project	Landowner / Administrator	Description
Substation	Westpower Limited	Lot 1 Deposited Plan 3059, record of title WS8B/158
Road	Owned by the Crown, administered by NZTA	State Highway 6 (Harihari Highway)
Road	Owned and administered by West Coast District Council	Local Road (Waitaha Road)
Transmission line running from Waitaha Road end through McLean Farm	McLean Company Limited	Rural Section 933 (record of title WS5D/1294)
		All in record of title 30623: <ul style="list-style-type: none"> • Section 3 Survey Office Plan 11859 • Section 4 Survey Office Plan 11859 • Lot 3 Deposited Plan 376096
	Owned by the Crown, administered by LINZ	Bed of Allen Creek (shown on SO 11859)
Waitaha Power station / West of scheme / Headworks / Gravel extraction	Crown land (riverbed) managed by LINZ	Bed of Waitaha River (described as area A on SO 12697)
	Crown conservation land, administered by Department of Conservation	Part Reserve 1672 shown on Survey Office Plan 11209 as areas 16, 35, and 76 (pages I34 and J34) New Zealand <i>Gazette</i> 8 May 1919 p 1287, and 3 May 1934 p 1386 (and record of title 318036). Part Reserve 1672 described as Section 1 SO 12094 New Zealand <i>Gazette</i> Dated 1 July 2001 p 1560

Appendix C
Gravel Extraction Area



23 June 2025

To

Westland District Council
36 Weld Street
Hokitika, 7810

From

By Email

Dear [REDACTED]

Westpower's Waitaha Scheme fast-track application – pre-application requirement - Identification of existing resource consents

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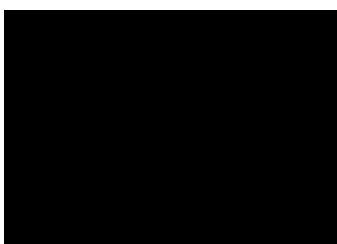
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Appendix A.

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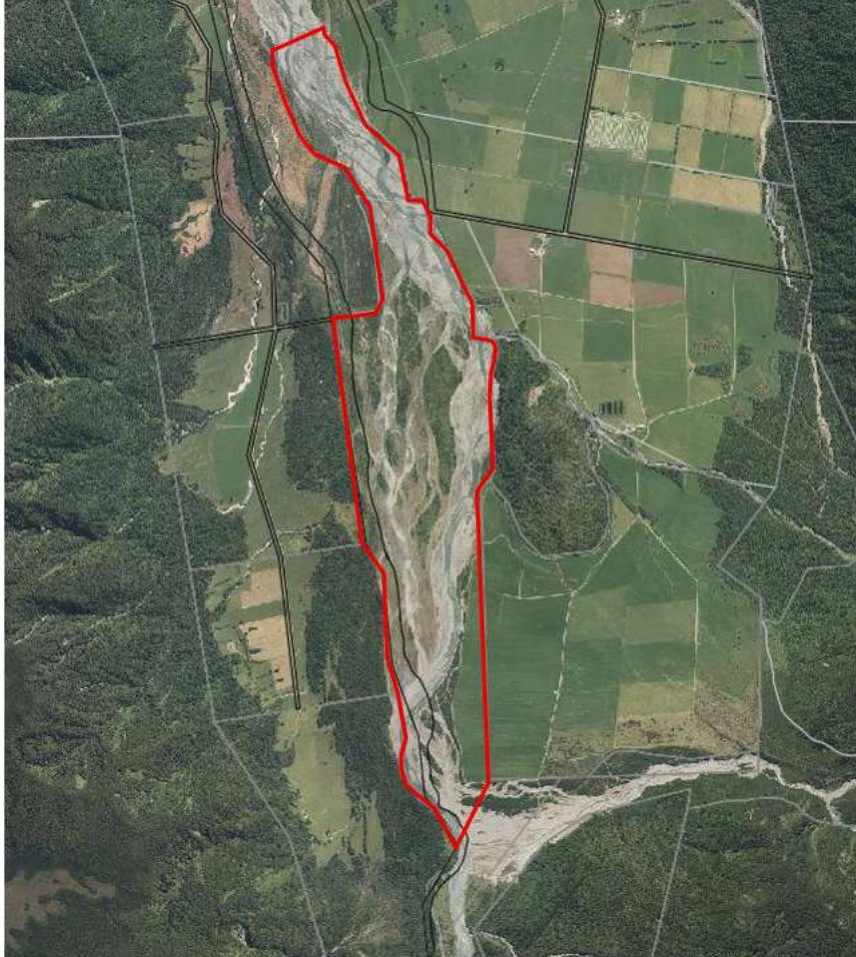


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Appendix C
Gravel Extraction Area



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