

# FTAA - Waitaha Hydro Project: Proffered Conditions for Complex Freshwater Fishery Permit

Version: 21.1.26

Version Description: This version imports changes made to the same or similar conditions set out in the 21.1.26 version of the suggested Resource Consent conditions and includes input from Westpower’s freshwater ecology expert (Ms McMurtrie) set out in tracked comments.

## PART A: DEFINITIONS AND EXPLANATION OF TERMS

This table below defines the acronyms and terms used in the conditions.

Acronym/Term	Definition
<b>Application</b>	The document titled “Westpower Limited Waitaha Hydro Project: An Application made under the Fast-track Approvals Act (2024)” dated 31 July 2025, including all technical assessments and supporting reports.
<b>CEMP</b>	Construction Environmental Management Plan
<b>ESCP</b>	Erosion and Sediment Control Plan
<b>FEMP</b>	Freshwater Ecology Management Plan
<b>Grantor</b>	The Department of Conservation
<b>Streamworks</b>	All physical works undertaken within, and involving the disturbance of, any stream or riverbed excluding riverbed gravel extraction.

## PART B: CONDITIONS

ACTIVITIES AUTHORISED	LOCATION	TERM	LAPSE
Placement, use, maintenance and removal of structures in, on or over the beds of rivers and streams.	Various Waitaha River and Waitaha River tributary locations within the Project Site.	35 years	10 years

1. This permit authorises the construction, use and maintenance (including all associated Streamworks) of:
  - a) The Headworks diversion weir structure;
  - b) Box culvert structures in the beds of Alpha Creek, Allen Creek and an unnamed tributary of the Waitaha River;
  - c) The drift deck structure for the Macgregor Creek crossing; and
  - d) The Alpha Creek and Macgregor Creek flow training structures / bunds.

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2. All construction, use and maintenance of the structures authorised by this permit must be undertaken in general accordance with the document titled “Westpower Limited Waitaha Hydro Project: An Application made under the Fast-track Approvals Act (2024)” dated 31 July 2025, including all relevant technical assessments and supporting reports (“the Application”).

3. Where there is any inconsistency between the Application and:

- a) these conditions, the conditions will prevail; and
- b) the requirements of any Management Plan referred to in these conditions, the Management Plan requirements will prevail.

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#### Freshwater Ecology Management Plan

4. The permit holder must engage an appropriately qualified and experienced ecologist (Project Ecologist - Freshwater) to advise upon, supervise and coordinate the implementation of the Freshwater Ecology Management Plan approved as part of the decision on the Application.

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#### Diversion Weir Structure

5. The permit holder must engage a suitably qualified and experienced engineer and a freshwater ecologist to provide advice on the design of the weir and intake structures (including the diversion weir) with the objective to appropriately manage adverse effects on kōaro.

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6. Prior to the commencement of any Streamworks associated with the Headworks, the permit holder must submit a FINAL Weir and Intake Structure Design Report to the Grantor for certification. The FINAL Weir and Intake Structure Design Report must be in general accordance with the preliminary plan drawing titled “Concept Design – Preferred Arrangement Headworks General Arrangement Channel and Intake” Revision E, and preliminary cross-section drawing titled “Preliminary Design – Headworks General Arrangement Section and Details” Revision E, provided in Appendix 42 of the Application and include:

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- a) Final detailed drawings of the weir;
- b) Final location details of the weir;
- c) Details of consultation undertaken; and
- d) Confirmation of design features to maintain existing natural fish passage including the continued provision for upstream and downstream passage of kōaro and the continued exclusion of upstream salmonid passage.

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Once certified, the permit holder must construct the Weir in accordance with the approved Weir and Intake Structure Design Report.

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7. Prior to any changes to the design of the Weir, the permit holder must submit a Revised Weir and Intake Structure Design Report to the Grantor for approval. Any Revised Weir and Intake Design Report must include:

- a) The reasons for changing the design (e.g. monitoring results of kōaro recruitment into Kiwi Flat);
- b) Revised detailed drawings of the weir;

- c) Any revised location details of the weir;
- d) Details of consultation undertaken; and
- e) Reconfirmation of Condition 6 (d) matters.

Once approved, the permit holder must alter the Weir and Intake structures in accordance with the certified Revised Weir and Intake Structure Design Report.

### Fish passage

- 8. Prior to commencing the construction or installation of any structures authorised by this permit, the permit holder must engage a suitably qualified and experienced person to undertake a fish survey of the surface waterways within the site to identify the fish species present or expected to be present.
- 9. The design for all culvert and culverted ford structures must be informed by the most recent version of the New Zealand Fish Passage Guidelines, and must reflect the local waterway conditions and fish species present or expected to be present as identified in the survey required under condition 8 of this permit.
- 10. The Headworks diversion weir must be operated and maintained to maintain existing natural fish passage at this location, including the continued provision for upstream and downstream passage of kōaro and the continued exclusion of upstream salmonid passage. For all other structures authorised by this permit, fish passage must be maintained at all times in accordance with condition 9 of this permit except where pumping over or around culvert structures locations is required for maintenance purposes and is undertaken in accordance with Condition 11 of this permit.
- 11. Any diversion pumping activities must be undertaken using a fish screen with a mesh aperture size no greater than 3 mm (or no greater than 5 mm if combined with the pump head being submerged in a ballast-filled well pit or ballast-filled permeable vessel) must be installed and maintained on the diversion pump intake to minimise fish passing through the intake or being trapped against the screen.

### Streamworks

- 12. Streamworks associated with the construction of structures authorised by these Consents must be undertaken in accordance with relevant requirements set out in the CEMP, ESCP and FEMP.
- 13. Streamworks associated with the maintenance of structures authorised by these Consents must be undertaken in accordance with the SOMP.
- 14. Any diversion pumping activities during construction or maintenance must be undertaken under supervision of an appropriately qualified and experienced ecologist.

### Exclusion Conditions

- 15. The permit holder will not undertake the following activities:
  - (a) Instream works during peak spawning and migration times for the native fish species present in the waterways as determined by the survey required in accordance with condition 8, with the exception of stream works associated with the headworks and intake weir, waterways that are ephemeral/intermittent or dry at or downstream of the works area at the time of the works, and in situations where the instream works are less than two weeks in duration;

**Deleted:** Fish passage must be maintained at all times for permanently flowing waterways during and following the construction of all in-stream structures except where pumping over or around culvert structures locations is required for construction or maintenance purposes and undertaken in accordance with Condition 12.

**Commented [MJ1]:** Ms McMurtrie (Westpower's Freshwater Ecology expert) has provided the following feedback:

SM: This condition (15(a)) will be impractical for the headworks intake - due to the length of time that the construction will take and the overriding safety considerations for when the construction should occur (ie during low flows). Koaro are the only fish found upstream of the headworks weir and as their downstream passage is of the larval stage (which is passive), their downstream movement will not be hindered by construction (as flow will continue down the gorge during construction). Also, given that we currently don't know what species may be in the tribes that will be crossed with culverts etc, this is currently an overly restrictive condition.

Accordingly, the headworks weir, works in ephemeral or dry streams and short-term works are excluded from this condition. Westpower changes denoted in green highlighted text.

(b) ~~The utilisation of wet concrete in flowing water or in a location where it can enter flowing water~~  
~~Place any wet concrete in any flowing water within a waterway.~~

#### Biosecurity Management

16. ~~The permit holder will ensure that all equipment to be used close to or within any surface waterbodies for the establishment of the approved diversions is clean and dry prior to use.~~

17. ~~The permit holder must comply with the Ministry for Primary Industry's "Check, Clean, Dry" cleaning method to prevent the spread of didymo (*Didymosphenia geminata*), gold clam (*Corbicula fluminea*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at the Ministry for Primary Industry's website. The permit holder must regularly check this website and update their precautions accordingly.~~

18. ~~The permit holder will undertake biosecurity risk assessments of any species which are to be translocated throughout the establishment of the stream realignments.~~

#### Monitoring

19. ~~Monitoring of fish passage success shall be undertaken following best practice methods and standards in section 8 of the New Zealand Fish Passage Guidelines. Monitoring results shall be provided to DOC annually by 30 June.~~

**Commented [MJ2]:** DoC's additional wording not accepted. Instead, alternative wording is proposed to align with Condition 17 of PartC9 of the resource consent conditions (Attachment 1 of Westpower's memorandum#7).

Westpower changes denoted in strikeout and green highlighted text.

**Commented [MJ3]:** Ms McMurtrie also has concerns about DOC's suggested condition 18 (Re: biosecurity risk assessments). She is not sure of the need for such assessments based on the definition of biosecurity risk assessments from MPI:  
<https://www.mpi.govt.nz/biosecurity/pest-and-disease-threats-to-new-zealand/biosecurity-risk-assessment-and-analysis>.

Further information from DOC is needed as to what this means before recommending Westpower accepts this requirement.

At this stage, Westpower does not accept this additional condition proposed by DOC and it is deleted.

**Commented [MJ4]:** Ms McMurtrie also has concerns about DOC's suggested condition 19 for the following reasons:

- In part 5.1 of Appendix E of DOC's s51 report they stated "DOC has no concerns with the proposal and considers the application to meet the requirements for managing effects on freshwater fish."
- It discounts previous discussions she has had with DOC staff that monitoring the fish passage structure itself at the Headworks intake was not practical, and fish passage there would be done via monitoring koaro recruitment via a BACI design (which is covered in the FEMP).
- Monitoring (following a BACI design which is a method included in the NZ Fish Passage Guidelines) of the headworks weir is covered in the FEMP so not needed here.
- Regarding the annual reporting suggestion, Fish passage monitoring is not proposed annually therefore this reporting requirement is also not aligned with the FEMP.

Additionally, this condition is superfluous since the Annual Report prescribed by condition 26 of the proposed resource consent conditions in Attachment 1 of Westpower's Memorandum #7 requires it to include "Results of ongoing ecological monitoring undertaken in accordance with the FEMP along with a critical analysis of any trends identified, any recommended adaptive management responses along with any associated recommended amendments to the SOMP, Monitoring Plan, and FEMP" and requires that a copy must be provided to DOC.

For the above reasons, this condition is not accepted and has been deleted.