

WAITAHA HYDRO SCHEME – FTAA-2505-1069

**DECISION MADE BY THE PANEL: WAITAHA HYDRO SCHEME
TE WHAKATAUNGA A TE PAEWHIRI WHAKAWĀ WAITAHA HIKO-Ā-AWA**

**APPENDIX F : FRESHWATER FISHERIES APPROVALS | ĀPITIHINGA F: NGĀ
WHAKAAETANGA-Ā-MAHINGA WAI MĀORI**

Draft 13 March 2026 | Hukihuki Te 13 o Māehe 2026

[Note to parties providing comment]

Reading Notes

- These should be read alongside the Draft Decision, which provides an explanation for changes
- References to approval numbers, dates, etc. will be updated and have been highlighted for ease of reference
- Condition references highlighted in grey
- The conditions have been updated so that the wording now aligns with the revised resource consent conditions. References to “consent holder” and “consent” have been changed where necessary
- A new term (“water body”) has been added

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Conditions for Complex Freshwater Fishery Permit

PART A: DEFINITIONS AND EXPLANATION OF TERMS

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

Acronym/Term	Definition
Application	The document titled “Westpower Limited Waitaha Hydro Project: An Application made under the Fast-track Approvals Act 2024” dated 8 August 2025, including all technical assessments and supporting reports.
CEMP	Construction Environmental Management Plan
ESCP	Erosion and Sediment Control Plan
FEMP	Freshwater Ecology Management Plan
Grantor	The Department of Conservation
Streamworks	All physical works undertaken within, and involving the disturbance of, any stream or riverbed excluding riverbed gravel extraction.
Water body	means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area (source: Resource Management Act, s.2)

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.
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 8 August 2025, including all relevant technical assessments and supporting reports (“the Application”).
3. Where there is any inconsistency between the Application and:

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

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.

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 with the objective of minimising as far as practicable adverse effects on kōaro.

Weir and intake structures

- 6. The Final Weir and Intake Structure Design Report must be in general accordance with 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 D, provided in Appendix 42 of the Application.
- 7. Prior to commencement of any Streamworks associated with Headworks, the Concessionaire must invite DOC to provide comment on the Final Weir and Intake Structure Design Report . The Final Weir and Intake Structure Design Report must include:
 - (a) Final detailed drawings of the weir;
 - (b) Final location details of the weir;
 - (c) Details of consultation undertaken;
 - (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.
- 8. The Concessionaire must construct the Weir and Intake structures in accordance with the certified Final Weir and Intake Structure Design Report.
- 9. During Operation of the Scheme and in response to a need to revisit the design of the Weir and Intake Structures, the Concessionaire may invite DOC to provide comment on a Revised Weir and Intake Structure Design Report. The Report must (as a minimum) set out:
 - (a) The reasons for changing the design (e.g. monitoring results of kōaro recruitment into Kiwi Flat);
 - (b) The revised detailed drawings of the weir;
 - (c) Any revised location details of the weir;
 - (d) Details of consultation undertaken; and
 - (e) Reconfirmation of Condition 7(d) matters.
- 10. The recommended changes as set out in the Revised Weir and Intake Structure Design Report may be relied upon to alter the Weir and Intake structures.

Fish passage

- 11. Prior to commencing the construction or installation of any structures in or on the bed of any river or

Commented [MJ1]: To recognise the Freshwater Fisheries Approval is a permit under the Regulations, and is not a concession so recommend Westpower’s proposal is included which requires a global change to “permit holder” where Concessionaire is used in this approval.

stream, the permit holder must engage a suitably qualified and experienced person to undertake a fish survey of the surface water bodies within the site to identify the fish species present or expected to be present.

12. The design for all culvert and culverted ford structures must be informed by the New Zealand Fish Passage Guidelines, Version 2.0: June 2024, and must reflect the local water body conditions and fish species present or expected to be present as identified in the survey required under **Condition 11** of this permit.
13. 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.
14. During temporary diversion of the Waitaha River above the Headworks, the Concessionaire must maintain natural fish passage at that location, including continued upstream and downstream passage of kōaro, while continuing to exclude upstream salmonid passage.
15. Except for temporary diversions of the Waitaha River above the Headworks (which are separately addressed in **Condition 14**), during all other temporary diversions, fish passage must be maintained at all times except where pumping over or around culvert structure locations is required for construction and maintenance purposes and undertaken in accordance with **Condition 16 and 19**.
16. 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.

Advice Note: *Monitoring of diversion weir fish passage success is provided for within the conditions of resource consent for the Project.*

Commented [MJ2]: Requested change to clarify monitoring is limited to assessing fish passage over the diversion weir and not other in-stream structures.

Streamworks

17. Streamworks associated with the construction of structures authorised by this Permit must be undertaken in accordance with relevant requirements set out in the CEMP, ESCP and FEMP.
18. Streamworks associated with the maintenance of structures authorised by this Permit must be undertaken in accordance with the SOMP.
19. Any diversion pumping activities during construction or maintenance must be undertaken under supervision of an appropriately qualified and experienced ecologist.

Commented [MJ3]: Suggested edit from Ms McMurtrie to recognise fish passage effects are the only fishery concern regarding Streamworks (i.e. no concern regarding related bed disturbances).

Commented [MJ4]: Suggested edit from Ms McMurtrie to cater for low level maintenance-type Streamworks with de-minimis fish passage effects.

Commented [MJ5]: Amended condition creates technical compliance difficulty. Westpower needs to place concrete in a water body (e.g. to construct the weir), The key effect management aspect is that wet concrete is not placed in a flowing waterway. That is, water must be diverted around areas being concreted.

Exclusion Conditions

20. The permit holder will not undertake the following activities:
 - (a) Instream works that prevent fish passage during peak spawning and migration times for the native fish species present in the waterbody as determined by the survey required in accordance with **Condition 11** (with the exception of instream works associated with the Headworks and intake weir, and water bodies that are ephemeral/intermittent and dry at or downstream of the works area at the time of the works or where such works last less than one week in duration);
 - (b) Place any wet concrete in any flowing water within a water body.

Biosecurity Management

21. 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.
22. 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 water bodies. "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.

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