

NOTIFICATION DECISION REPORT

Application Details

Applicant: Glenview Estates Ltd

Application Number: APP.042595.01.01

Description of Activity: Construction and operation of an off-line hydroelectric power station adjacent to the Wairua River, which includes diversion of the Wairua River.

Note: *This form should only be completed once sufficient information is available to make such a determination.*

STEP 1 Request for Public Notification

Has the applicant requested public notification?

- ☒ No ➔ Go to **Step 2**.
- ☐ Yes ➔ Go to **Step 20**. Tick the **Publicly Notified** box as the application must be publicly notified as required by Section 95A(2) of the Resource Management Act (RMA).

STEP 2 Has the Applicant Refused a Section 92 Request

- ☒ No ➔ Go to **Step 3**.
- ☐ Yes ➔ Go to **Step 20**. Tick the **Publicly Notified** box as the application must be publicly notified as required by Section 95A(2) of the RMA.

STEP 3 National Environmental Standard (NES)

Is there a NES that precludes public notification of each activity?

- ☒ No ➔ Go to **Step 4**.
- ☐ Yes ➔ Name of NES: **INSERT NAME**. Go to **Step 9 – Special Circumstances**.

STEP 4 Plan Provisions Regarding Public Notification

Is there a rule or provision in a Regional Plan that precludes public notification of this type of application?

- ☒ No ➔ Go to **Step 5**.
- ☐ Yes ➔ Rule **INSERT RULE**. Go to **Step 9 – Special Circumstances**.

STEP 5 Classification of Activity

Are all the resource consents either:

- (a) “controlled” activities; or
- (b) “restricted discretionary” or “discretionary” activities for a residential activity only?

Note: *Residential activity is defined in Section 95A(6) and relates to consents that are for the use of one or more dwelling houses solely for residential purposes and can include residential subdivisions.*

- ☒ No ➔ Go to Step 6.
- ☐ Yes ➔ Go to Step 9 – Special Circumstances.

STEP 6 National Environmental Standard (NES)

Is there a NES that precludes public notification of each activity?

- ☒ No ➔ Go to Step 7.
- ☐ Yes ➔ Name of NES: **INSERT NAME**. Go to Step 20. Tick the **Publicly Notified** box as the application must be publicly notified as required by Section 95A(7) of the RMA.

STEP 7 Plan Provisions Regarding Public Notification

Is there a rule or provision in a Regional Plan that requires this type of application to be publicly notified?

- ☒ No ➔ Go to Step 8.
- ☐ Yes ➔ Rule **INSERT RULE**. Go to Step 20. Tick the **Publicly Notified** box as the application must be publicly notified as required by Section 95A(7) of the RMA.

STEP 8 Adverse Effects

What do the potential effects of the activity relate to? *(tick as many as appropriate)*

- | | |
|--|--|
| <input checked="" type="checkbox"/> Downstream flows | <input type="checkbox"/> Air quality |
| <input type="checkbox"/> Aquifer levels | <input type="checkbox"/> Human health |
| <input checked="" type="checkbox"/> Flooding | <input checked="" type="checkbox"/> Natural character |
| <input checked="" type="checkbox"/> Scouring | <input type="checkbox"/> Archaeological/historic sites |
| <input type="checkbox"/> Water quality | <input type="checkbox"/> Public/recreational access |
| <input checked="" type="checkbox"/> Cultural | <input type="checkbox"/> Navigation |
| <input checked="" type="checkbox"/> Ecological | <input type="checkbox"/> Structural security |
| <input checked="" type="checkbox"/> Habitat/wildlife | <input type="checkbox"/> Other _____ |

Is it considered that the activity will have, or is likely to have, adverse effects on the environment that are more than minor?

Note: *The requirements of Section 95D of the RMA shall be taken into account when determining whether the adverse effects of any activity will be more than minor.*

- ☒ No ➔ State reasons below, then go to **Step 9**.
- ☐ Yes ➔ State reasons below. Go to **Step 20**. Tick the **Publicly Notified** box as the application must be publicly notified as required by Section 95A(7) of the RMA.

Reasons:

Proposal will result in temporary works being undertaken within the Wairua River, and permanent structures resulting in the diversion of flows via a weir into an off-stream hydroelectric powerplant. The key effects that have been assessed include:

- Diversion of flows and resulting reduction of flows between the inlet weir and the outlet (~480m). This includes flows over a section of falls and the rapids downstream of a plunge pool on the main stem of the Wairua River. This section of the river is not navigable due to the falls and rapids. During low-flow, water intakes will not be in operation and a minimum flow will be maintained.
- Potential for fish mortality from the intake screen. To minimise this risk, the applicant is proposing to provide an inlet screen that is designed in accordance with best practice, accounting for the appropriate mesh size and screen angle when measured to flow direction;
- Maintaining fish passage. Fish passage is limited to climbing species due to the natural obstruction from the waterfall. A fish passage structure is proposed with detailed design to be provided. This will be done in accordance with best practice;
- Earthworks and vegetation removal within the riparian margin will be limited to the true left bank at the inlet and outlet. All spoil to be retained onsite.

Cultural effects have been considered but have not been fully assessed. The applicant has sought this input from Korokota Marae and representatives from local hapu. The applicant has however not been able to obtain written correspondence from tangāta whenua on the proposal.

The applicant has provided an assessment of the proposal against the relevant objectives of the Whatitiri Resource Management Plan, which covers the applicant’s property, and has stated that its proposal is consistent with the relevant Objectives and Policies of this plan, primarily being those under Sections 4.6 and 4.7. The Whatitiri Resource Management Plan states that the plan *“is written on behalf of Mana Whenuaki Whatitiri, namely, Te Uriroi, Te Parawhau and Te Māhurehure ki Whatitiri and applies to the area depicted in the Whatitiri RMU Rohe Map”*.

The main cultural effect that has been raised by tangata whenua to date has been in regard to tuna (eels), which are considered a taonga. As discussed above, on the information provided by the applicant, it is considered that the potential adverse effects on both fish mortality and passage, including tuna, should be no more than minor. However, this does not address the concerns of tangata whenua on this matter.

STEP 9 Special Circumstances

Is it considered that special circumstances exist in relation to the application that would warrant the application being publicly notified?

Note: *“Special Circumstances” are those that are unusual or exceptional and those where there are indications that a case is out of the ordinary. If what is proposed is specifically envisaged by the Plan, it cannot be described as being out of the ordinary and giving rise to special circumstances. The fact that some persons have concerns about a proposal does not of itself give rise to “special circumstances” but may be a contributing factor.*

- ☒ No ➔ Go to **Step 10**.
- ☐ Yes ➔ State reasons below. Go to **Step 20**. Tick the **Publicly Notified** box as the application may be publicly notified as required by Section 95A(9) of the RMA.

Reasons:

STEP 10 Customary Rights and Customary Marine Title Groups

Note: *These are a right or groups which are recognised by the Crown by either an order or an agreement.*

Could the activity have adverse effects on a protected customary right or the exercise of the rights applying to a customary marine title group?

- ☒ No ➔ State reasons below. Go to **Step 11**.
- ☐ Yes ➔ State protected customary right and/or customary marine title group and reasons below. Go to **Step 11**.

Reasons:

Not a coastal permit.

STEP 11 Statutory Acknowledgement Areas

Will the activity have a minor or more than minor adverse effect on the trustees of any statutory acknowledgement area?

- ☒ No ➔ State reasons below. Go to **Step 14**.
- ☐ Yes ➔ State statutory acknowledgement area, affected Iwi group(s) and reasons in table below. Go to **Step 12**.

Reasons:

No Settlement Acts cover this area.

STEP 12 Written Approvals

Has the applicant provided the written approval of every person who is adversely affected in **Steps 10 and 11**?

- ☐ Yes ➔ Complete the table below. Go to **Step 14**.
- ☐ No ➔ Complete the table below. Go to **Step 13**.

The following are considered to be affected by this activity:

Name of Affected Group	Written Approval Provided? (Y/N)
N/A	Y

STEP 13 Unreasonable to get Written Approvals

Is it considered unreasonable in the circumstances to require the applicant to obtain the written approval of the adversely affected group who has/have not provided written approval?

- ☐ No ➔ Go to **Step 20**. Tick the **Limited Notified** box. Serve notice of the application only on those groups that have not provided written approval. Then go to **Step 14**.
- ☐ Yes ➔ State reasons below. Go to **Step 14**.

Reasons:

STEP 14 National Environmental Standard (NES)

Is there a NES that precludes the limited notification for each activity to other persons?

- ☒ No ➔ Go to **Step 15**.
- ☐ Yes ➔ Name of NES: **INSERT NAME**. Go to **Step 19 – Special Circumstances**.

STEP 15 Plan Provisions Regarding Limited Notification

Is there a rule or provision in a Regional Plan that precludes the limited notification of this type of application to other persons?

- ☒ No ➔ Go to **Step 16**.
- ☐ Yes ➔ Rule **INSERT RULE**. Go to **Step 19 – Special Circumstances**.

STEP 16 Other Affected Persons

Will the activity have a minor or more than minor adverse effect on any other persons?

Note: *The requirements of Section 95E of the RMA shall be taken into account when determining affected persons.*

- ☒ Yes ➔ List persons and reasons in table for Step 17. Go to **Step 17**.
- ☐ No ➔ State reasons below then go to **Step 19 – Special Circumstances**.

Reasons:

Due to the unquantified cultural effects of the project, input from tangāta whenua is required to provide an assessment of the potential effects of the project, particularly on tuna migration and mortality.

Council was advised by hapu, as a result of its initial circulation of this application to tangata whenua for comment, that its circulation list needed to be wider. Council considers that this wider circulation list should be used for the purposes of limited notification of the application to tangata whenua. The circulation list is attached as part of Step 17 below.

An interested party representing whitewater kayaking has also indicated an interest in the proposal. This party has successfully navigated the falls but is the only known party to do so. The applicant has indicated that a fatality had occurred following an attempt to navigate the falls, however I have not been able to independently verify this.

Given the infrequent nature of such an activity occurring, it is considered that the proposed diversion of water away from the falls and downstream rapids will not significantly impact the ability to undertake this activity during times of heavy flow.

Check the following:

- ☒ All persons we have protocols with have been sent a copy of the application for comment.

STEP 17 Written Approvals

Has the applicant provided the written approval of every other person who is adversely affected by the activity?

- ☐ Yes ➔ Complete the table below, then go to **Step 19 – Special Circumstances.**
- ☒ No ➔ Complete the table below, then go to **Step 18.**

The following are considered to be affected by this activity:

Name of Affected Person	How are they Affected?	Written Approval Provided? (Y/N)
Ngati Kahu O Torongare Hapu Trust	Cultural effects	N
Te Runanga A Iwi O Ngapuhi	Cultural effects	N
Ngapuhi Ki Mangakahia Takiwa	Cultural effects	N
Mangakahia Maori Committee	Cultural effects	N
Te Runanga o Ngati Hine	Cultural effects	N
Whatitiri Maori Reserves Trust	Cultural effects	N
Maungarongo Marae	Cultural effects	N
Ngati Hau Resource Management Unit	Cultural effects	N
Te Orewai Te Horo Trust	Cultural effects	N
Te Parawhau Trust	Cultural effects	N
Nga Tirairaka o Ngati Hine Trust	Cultural effects	N

STEP 18 Unreasonable to get Written Approvals

Is it considered unreasonable in the circumstances to require the applicant to obtain the written approval of the adversely affected person(s) who has/have not provided written approval?

- ☒ No ➔ Go to **Step 20**. Tick the **Limited Notified** box and serve notice of the application only on those persons that have not provided written approval. Then go to **Step 19 – Special Circumstances**.
- ☐ Yes ➔ State reasons below, then go to **Step 19 – Special Circumstances**.

Reasons:

STEP 19 Special Circumstances

Is it considered that special circumstances exist in relation to the application that would warrant notification of this application to any other person not already determined to be eligible for limited notification?


Note: *“Special Circumstances” are those that are unusual or exceptional and those where there are indications that a case is out of the ordinary. If what is proposed is specifically envisaged by the Plan, it cannot be described as being out of the ordinary and giving rise to special circumstances. The fact that some persons have concerns about a proposal does not of itself give rise to “special circumstances” but may be a contributing factor.*

- ☒ No ➔ Go to **Step 20**.
- ☐ Yes ➔ State reasons below. Go to **Step 20**. Tick the **Limited Notified** box as the application may be limited notified as required by Section 95A(10) of the RMA.

Reasons:

STEP 20 Notification Decision

- ☐ Non-notified
- ☒ Limited Notified
- ☐ Publicly Notified

Signed: 

Leon Keefer
Beca Ltd

Date: 21 March 2022

Authorised under delegated authority by:

Signed: 
Stuart Savill
Consents Manager

Date: 21 March 2022