

Our reference: A1793477

Consent No: 2001. 385.V4

## **WATER PERMIT**

Pursuant to the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Contact Energy Limited

Address: Level 2, Harbour City Tower, 29 Brandon Street, Wellington

to dam the Clutha River approximately 1.5 kilometres upstream from Clyde with a concrete dam, with a crest level of 196.75 metres above datum

for the purpose of hydro-electric power generation

for a term expiring: 25 May 2042

Location of activity: Approximately 1.5 kilometres upstream of Clyde

Legal description: Lot 1 25146

Map reference: Centred on NZMS 260 G42:197-523

### **Conditions:**

#### **1. Survey Datum**

All levels specified in this consent and all monitoring of levels required by this consent shall be in terms of mean sea level (Dunedin datum).

#### **2. Compliance with Other Relevant Resource Consents**

This consent shall be exercised in conjunction with, and to ensure compliance with, the following consents:

##### **Hawea Dam**

No. 2001.383 – Water Permit to Dam

No. 2001.389 – Water Permit to Divert

No. 2001. 392.V3 – Discharge Permit

No. 2001.395 – Discharge Permit

No. 2001.399 – Water Permit to Take & Use

##### **Gladstone Gap Stop Bank**

No. 2001.384 – Water Permit to Dam

##### **Clyde Dam**

No. 2001.387 – Water Permit to Divert

No. 2001.390 – Water Permit to Take & Use

No. 2001.393 – Discharge Permit

No. 2001.396 – Discharge Permit

## **Roxburgh Dam**

- No. 2001.386.V1 – Water Permit to Dam
- No. 2001.388 – Water Permit to Divert
- No. 2001.391 – Water Permit to Take & Use
- No. 2001.394.V1 – Discharge Permit
- No. 2001.397 – Discharge Permit
- No. 2001.398.V1 – Land Use Consent

### **3. Catchment Approach to Monitoring**

- a) The consent holder shall submit a monitoring programme to the Otago Regional Council within six months of the commencement of this consent and shall thereafter implement the same. The purpose of the programme shall be to monitor in an integrated manner, lake levels and river levels and flows required by the conditions of this consent, and to enable the consent holder to demonstrate compliance with the conditions of this consent.
- b) The programme will specify procedures for monitoring lake levels and river levels and flows required by conditions of this consent. Monitoring sites are defined in the table in condition 8.
- c) The consent holder shall implement a maintenance programme to ensure the functionality and accuracy of the equipment monitoring flows and levels.

### **4. Annual Reporting**

The consent holder shall supply the Otago Regional Council, Queenstown Lakes District Council, Central Otago District Council and Clutha District Council with an annual report by 30 June of each year. The annual report is to include:

- a) The results of all monitoring data collected in compliance with this consent during the year up to and including 31 December immediately preceding the annual report;
- b) An interpretation of all monitoring data in terms of resource consent compliance and non-compliance, including an assessment of any actual environmental effects which have arisen from the exercise of this consent.

### **5. Review**

- a) The Otago Regional Council may, within three months of every fifth anniversary of the commencement of this consent, in accordance with section 128 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent to:
  - (i) deal with any adverse effect on the environment which may arise from the exercise of this consent; and or
  - (ii) review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary require the consent holder to avoid, remedy or mitigate such effects by way of further or amended conditions; and or
  - (iii) require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the exercise of this consent; and or
  - (iv) review the adequacy of and the necessity for monitoring undertaken by the consent holder; and or
  - (v) review the adequacy of measures developed by the consent holder for the management of adverse effects due to the exercise of this

consent, in respect of accumulation of sediment in the Kawarau Arm of Lake Dunstan.

- b) The consent holder shall immediately advise the Otago Regional Council in the event that there arises a potential split in ownership of the Hawea Dam, Clyde Dam and/or Roxburgh Dam. Pursuant to section 128 (1) of the Resource Management Act 1991 the Otago Regional Council may then initiate a review for the purpose of ensuring coordination of consents relating to the operation of those structures.
- c) The Otago Regional Council may, within three months of the first anniversary of the commencement of this consent, in accordance with section 128 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent to review the continued necessity for conditions governing dam safety in the light of enactment of a separate regulatory regime governing the safety of dams.
- d) Pursuant to section 127(1) of the Resource Management Act 1991 the consent holder may apply to the Otago Regional Council for a change to or cancellation of any of the conditions of this consent (other than a condition as to duration of the consent) at any time as allowed by law.

## **6. Flood Management Plan**

- a) The consent holder shall, within six months of the commencement of this consent, prepare for approval by Otago Regional Council, a Flood Management Plan in consultation with Queenstown Lakes District Council, Central Otago District Council and Clutha District Council, identifying:
  - (i) Procedures the consent holder will implement to ensure continual preparedness for flood events;
  - (ii) Monitoring and control actions the consent holder will implement during the rising, cresting and falling limbs of floods;
  - (iii) Procedures the consent holder will implement for notification to interested parties of such actions; and
  - (iv) The manner in which the consent holder will control the storage and flow of water in the Clutha River/Mata-au catchment to mitigate the adverse effects of flooding to the extent that this is practicable through the exercise of this consent and the other consents listed in condition 2.
- b) Pending approval of the Flood Management Plan prepared under condition 6 (a) of this consent, the consent holder shall exercise this consent in accordance with the Clutha Flood Rules Version 1;
- c) Once the Flood Management Plan prepared under condition 6 (a) of this consent is approved, the consent holder shall exercise this consent in accordance with that management plan including approved revisions of the plan;
- d) The consent holder shall reassess the effectiveness and appropriateness of the Flood Management Plan prepared under condition 6 (a) of this consent in consultation with Queenstown Lakes District Council, Central Otago District Council, Clutha District Council and Otago Regional Council no less frequently than every fifth anniversary of the commencement of this consent and also following any instantaneous flow in the Clutha River/Mata-au of greater than 2500 cubic metres per second as measured at Clyde (site 75213);

- e) If the reassessment undertaken pursuant to condition 6 (d) indicates to the consent holder that changes to the Flood Management Plan are necessary or desirable, the consent holder shall revise the Flood Management Plan accordingly, for approval by Otago Regional Council.

## **7. Dam and Landslide Safety Requirement**

- a) The consent holder shall ensure that the Clyde Dam and all its appurtenant components and accessory structures are maintained in a safe and stable condition.
- b) Safety shall be managed in accordance with the principles of the Dam Safety Guidelines issued by the New Zealand Society On Large Dams.
- c) The consent holder shall provide a certificate confirming the safety of the Clyde Dam signed by an independent engineer registered under the Chartered Professional Engineers Act 2003, or the equivalent recognised international qualification, and approved by Otago Regional Council as having the relevant expertise for the purpose. The certificate shall be provided on each anniversary of the commencement of this consent or such alternative date agreed by the Otago Regional Council. The certificate provided to Otago Regional Council shall include advice as to works undertaken on the dam for the purposes of dam safety since the last certificate, and the rationale for such works.
- d) An independent safety assessment of the Clyde Dam shall be carried out at intervals of not more than five years, commencing from 2005, or such greater intervals as agreed by the Otago Regional Council.
- e) The results of the independent safety assessment shall be reported to the Otago Regional Council, and copies sent to the Central Otago District Council and Clutha District Council.
- f) In the event that an earthquake with an intensity of IX or greater on the Modified Mercalli scale is experienced at the Clyde Dam, an inspection and accompanying independent audit shall be carried out as soon as practicable after the earthquake. A summary report detailing the results of the inspection and audit shall be promptly provided to Otago Regional Council.
- g) Safety of the Lake Dunstan landslides between the Clyde Dam and the Clutha Kawarau Confluence and the Ripponvale slide shall be managed in accordance with the principles of the Dam Safety Guidelines issued by the New Zealand Society On Large Dams.
- h) The consent holder shall submit to the Otago Regional Council on or before 30 June of every second year from the date of commencement of the consent, a summary report of any changes and movement of each landslide referred to in the previous condition, and any stabilisation work undertaken since the previous report.
- i) An independent safety assessment of the landslides referred to in condition 7g) shall be carried out at intervals of not more than five years.
- j) The results of every such independent safety assessment shall be reported to the Otago Regional Council, and a copy sent to the Central Otago District Council.
- k) In the event that an earthquake with an intensity of IX or greater on the Modified Mercalli scale, is experienced at any of the landslides referred to in condition 7g) above, an inspection and accompanying independent audit shall be carried out as soon as practicable after the earthquake. A summary report of any changes in movement of affected landslides since the last summary report prepared under condition 7h) above shall be promptly provided to Otago Regional Council.

## 8. Water Level and Flow Recording

- a) The consent holder shall maintain water level recordings and flow ratings as specified below. All data shall be made available to the Otago Regional Council, on request. All data is to be recorded at not more than 15-minute intervals.

Site Number	Site Name	Grid Reference NZMS 260:	Level Data, or Flow Rating Data required
75288	Hawea Dam	G40:125-153	Level Data
75287	Hawea River at Camphill Bridge	G40:124-107	Level Data and Flow Rating
75282	Clutha River at Cardrona Confluence	F40:088-066	Level Data and Flow Rating
75277	Lake Wakatipu at Willow Place	F41:733-668	Level Data
75263	Kawarau at Frankton	F41:740-667	Level Data
75292	Lake Wanaka at Roys Bay	F40:037-058	Level Data
75262	Kawarau at Chards Road	F41:844-698	Level Data and Flow Rating
75276	Shotover at Bowens Peak	F41:722-710	Level Data and Flow Rating
75265	Nevis at Wentworth	F41:974-639	Level Data and Flow Rating
75268	Lake Dunstan at Ripponvale	F41:048-662	Level Data
	Lake Dunstan at Clyde Dam*		Level Data
75213	Clutha River at Clyde	G42:212-502	Level Data and Flow Rating
75253	Manuherikia at Ophir	G41:418-608	Level Data and Flow Rating
75228	Clutha at Alexandra	G42:266-438	Level Data
	Roxburgh Dam		Level Data
75220	Clutha River at Roxburgh	G43:223-190	Level Data and Flow Rating

\* The Clyde Dam site is to record lake levels beyond the combined drawdown zone of the dams' gates, sluices and penstocks.

- b) In addition to the requirements of condition 8 (a), the consent holder shall provide to the Otago Regional Council, upon request, the times and rates of individual discharges of the penstocks, the spillways or the sluices of the Clyde Dam.
- c) The consent holder shall implement a maintenance programme to ensure the functionality and accuracy of the equipment monitoring flows and levels.

## 9. Lake Levels

- a) The normal maximum operating level of Lake Dunstan shall not exceed 194.5 m above datum (based on a 3 hour rolling average), as measured at the Clyde Dam site, except when a higher lake level is required either by the Clutha Flood Rules Version 1 (if still operative) or in order to implement the Flood Management Plan.

- b) The normal minimum operating level of Lake Dunstan shall not decrease below 193.5 m above datum (based on a 3 hour rolling average), as measured at the Clyde Dam site at any time, except as required to ensure dam safety.
- c) Under flood flow conditions, the level of Lake Dunstan will be managed in accordance with the Clutha Flood Rules Version 1(if still operative) or the Flood Management Plan.

#### 10. Lakebed Monitoring

- a) The consent holder shall survey the Lake Dunstan cross sections identified in the Opus (July 2000) report on Drawing No. 8/1291/01/7834/1X and 2X and attached as part of this consent, at the following frequency:
- at intervals of not more than 5 years in the Dunstan and Clutha Arms; and
  - at intervals of not more than 24 months in the Kawarau Arm; except that
  - in the Kawarau Arm a survey shall occur within 3 months of a flow exceeding 800 cumecs, as measured in the Kawarau River at the Chards Road site (Site No. 75262).

The first survey of all three arms shall be undertaken within six months of the commencement of the consent.

- b) The results of each survey shall be provided to the Otago Regional Council within 3 months of completion of the survey. The reported survey results shall include an assessment of predicted flood levels for the lake as measured at each re-survey cross section based on a 3,200 cumecs per second flow at Clyde Dam.

#### 11. Lowburn Inlet

- a) Within one year of the commencement of this consent, the consent holder shall establish and survey a series of six cross sections at 20 metre intervals in the Lowburn Inlet. The cross sections shall run in a northeast direction and shall extend across the inlet from 195 metres above datum to 195 metres above datum. The first cross section shall be at the confluence of the Lowburn Stream and the Lowburn Inlet (as defined in the attached plan).
- b) The results of the survey shall be provided to the Otago Regional Council within 3 months of completion of the survey.
- c) Subject to it obtaining any necessary resource consents which are subject only to conditions substantially in the same form as conditions contained in condition 11e) of this consent, the consent holder shall remove deposited sediment from the bed of the Lowburn Inlet to ensure that the lakebed specification set out in the attached plan which forms part of this consent, is met. The consent holder shall maintain the inlet free of deposited alluvial material as follows (except insofar as allowed by condition 11 d)):
- (i) From the 0 to 60 metre cross section the bed shall be maintained to the as-built contours shown in the Works Project Services drawing "As-Built Lake Shore Contours 8/1291/08/7834/Sheet 76".
  - (ii) From the 60 metre to 120 metre cross section the bed shall be maintained as follows:

- The area between the Lowburn Inlet boundary (as defined in the attached plan) and the 191.0 metre contour shall be maintained at an average grade of approximately 8:1;
  - The area inside the 191.0 metre contour shall be maintained with a bed level not exceeding 191.0 metres above datum.
- d) The consent holder shall undertake repeat surveys of the two cross sections nearest to the Lowburn Stream outlet from time to time in consultation with the Otago Regional Council, but in any event at not greater than five yearly intervals. The results of the survey shall be provided to the Otago Regional Council within three months of the survey. Where more than 50% of the bed profile varies from any one or more of the cross-sections defined in condition 11 a) above by more than 0.5 metres vertically the consent holder shall ensure the inlet conforms to the specifications established in 11c).
- e) For any bed disturbance works required by this Condition the following conditions apply:
- (i) Works shall not be undertaken during the months of November to April inclusive;
  - (ii) The consent holder shall take all reasonable measures to minimise any change in the colour or visual clarity of the water in the Clutha Arm of Lake Dunstan;
  - (iii) The consent holder shall take all reasonable measures to reduce dust emissions resulting from the disturbance of the bed material;
  - (iv) Any fuels or other hazardous materials stored near the site shall be kept at least 50 metres clear of any water body;
  - (v) Any refuelling of machinery shall occur at least 50 metres clear of the waterbody;
  - (vi) Once commenced, the works shall be completed without unreasonable delay and on completion the site shall be left tidy and all surplus material shall be removed from the site.

## 12. Bannockburn Inlet

- a) The consent holder shall undertake a bathymetric survey, at not more than 1.0 metre elevation contour intervals, of the Bannockburn inlet below 194 m above datum and as defined in the attached plan, within three months of the commencement of this consent (the initial bathymetric survey) and every fifth year thereafter.
- b) The results of each survey shall be provided to the Otago Regional Council within 3 months of completion of the survey.
- c) Subject to it obtaining any necessary resource consents which are subject only to conditions substantially in the same form as the conditions contained in condition 12 e) of this consent, the consent holder shall remove deposited sediment from the bed of the Bannockburn Inlet to ensure that the lakebed between elevation 194.5 metres above datum and 191.0 metres above datum shall be graded to generally conform with the initial bathymetric survey data. Where the bathymetric survey data shows that the lakebed is lower than 191.0 metres above datum the consent holder shall maintain such lower levels at an elevation of not greater than 191.0 metres above datum.

- d) The consent holder shall maintain a channel at least 50 metres wide with a bed elevation of not greater than 191.0 metres above datum between the flowing water in the Kawarau Arm and the Bannockburn Inlet.
- e) For any bed disturbance works required by condition 12(c) of this consent the following conditions apply:
  - (i) Works shall not be undertaken during the months of November to April inclusive;
  - (ii) The consent holder shall take all reasonable measures to minimise any change in the colour or visual clarity of the water in the Kawarau Arm of Lake Dunstan;
  - (iii) The consent holder shall take all reasonable measures to reduce dust emissions resulting from the disturbance of the bed material;
  - (iv) Any fuels or other hazardous materials stored near the site shall be kept at least 50 metres clear of any water body;
  - (v) Any refuelling of machinery shall occur at least 50 metres clear of the waterbody;
  - (vi) Once commenced, the works shall be completed without unreasonable delay and on completion the site shall be left tidy and all surplus material shall be removed from the site.

### **13. Access for Water Takes Kawarau Arm**

- a) Within two years of the commencement of the consent the consent holder after consultation with Otago Regional Council and the Central Otago District Council shall commission an investigation into how the needs of future irrigation users in the Kawarau Arm might appropriately be addressed.
- b) The investigation shall involve identification of the optimum sites on which to locate three intake facilities that would give access to up to one million litres per hour of water each, and the design of which would have provision for future users to install (at their own cost and subject to their obtaining all necessary resource consents and land owner approvals) pumps, power supplies and landward reticulation systems.
- c) The report on the investigations when completed shall be provided to the Otago Regional Council and the Central Otago District Council.
- d) Subject to obtaining any necessary statutory consents or landowner approvals, the consent holder, must ensure that no more than three intake facilities are constructed at the optimal site(s) as shown in Appendix 1 provided that:
  - i) the consent authority or consent holder has received a written request for the construction of one or more of the intake facilities; and
  - ii) the person making the request is the holder of all resource consents and landowner approvals necessary to be able to make use of the intake facility, including a resource consent to take and use surface water for the purposes of irrigation from the Kawarau Arm of Lake Dunstan.
- e) If requested, the consent holder must construct an intake facility within 12 months of all necessary statutory consents and landowner approvals being granted (or as otherwise agreed with the person making the request).
- f) The Consent Holder shall undertake periodic channel maintenance work as required to secure the provision of access via those intakes to run of river



water sufficiently free of sediment as to be suitable for bulk irrigation supply purposes. For the avoidance of doubt, the consent holder shall not be obliged to ensure continuous access to water during temporary periods due to intake plant maintenance requirements and / or floods but shall use reasonable endeavours to limit supply disruptions during such times.

- g) If the consent holder receives notification of a water permit application at one of the optimal sites identified in Condition 13 of this consent through consultation or affected party requirements, the consent holder must advise the party about condition 13(d) of this consent.

#### **14. Safety Warnings**

- a) The consent holder shall provide and maintain adequate signage in good repair in the vicinity of the Clyde Dam where the public can gain access, to warn the public of safety and navigation risks associated with the accumulation of sediment within the Kawarau Arm and at other areas of hazardous sediment deposition around Lake Dunstan.
- b) The consent holder shall maintain a boom on the lake surface, generally 600 metres upstream of the dam, to warn lake users of the hazards at the dam face (particularly with spillways). The boom shall be secured firmly to the shore or lakebed, shall not interfere with public use of the existing boat ramp in that vicinity, and shall be maintained in good repair, in safe condition and substantially clear of debris.

#### **15. Safety Signage**

- a) The consent holder shall, in consultation with the Central Otago District Council, prepare and submit to the Otago Regional Council for approval a signage plan within 6 months of the commencement of this consent.
- b) The signage plan is to provide for adequate signage to warn of the risk to public safety of operational changes in river flows along the Clutha River below the Clyde Dam.
- c) The signage plan shall identify the sites and the form and content of the signs used by the consent holder.
- d) The consent holder shall provide and maintain signage in good repair in accordance with the signage plan including any approved revisions of that plan.
- e) The consent holder shall provide and maintain signage in good repair in the vicinity of the Clyde Dam to warn the public of any hazards associated with the operation of the structure and its appurtenant components.
- f) The signage plan shall be reassessed by the consent holder and re-submitted to the Otago Regional Council for approval every three years after approval of the first signage plan prepared under condition 15(a) of this consent.

#### **16. Archaeological Sites**

- a) The consent holder in consultation with the New Zealand Historic Places Trust (the Trust) and using the Trust's statutory rights to access land if required shall carry out a baseline survey of archaeological sites within that

part of the river and lake beds, lakeshores and riparian margins potentially affected by the activities permitted by the consents. The purpose of the baseline survey shall be to record the location, nature and condition of archaeological sites and to identify any risks to their integrity. Recording shall be undertaken according to best archaeological practice and will establish specific measures that will allow effective ongoing monitoring of site condition. The baseline survey shall be commenced no later than six months following the commencement of this consent, and completed no more than two years later.

- b) The consent holder, in consultation with the Trust, shall develop a Management Plan for archaeological sites that may be adversely affected

by the consent holder's operations as identified in the baseline survey.

The Management Plan shall adopt a conservation and management approach consistent with best archaeological practice. It shall include management principles for at-risk sites, criteria for determining management actions, specific implementation measures, and a monitoring regime. The Plan will also assess the significance and degree of risk of at-risk sites. The Plan shall be completed no later than 3 years following commencement of this consent. A copy of the Management Plan shall be lodged with the Otago Regional Council.

- c) The consent holder shall implement the Management Plan and shall contribute to the cost of recording or protection works or other measures that may be required in proportion to the extent to which its activities affect at-risk sites. Work shall be prioritised according to the degree of risk and the significance of the site.
- d) Monitoring of sites in accordance with the Management Plan shall occur at intervals of no more than once every three years, unless otherwise agreed with the Trust.

## 17. Landscape and Visual Amenity Management Plan

- a) No later than 1 July 2025 and five yearly thereafter, the Consent Holder must submit to the Consent Authority a Landscape and Visual Amenity Management Plan (LVAMP) for certification that it:
- i. Has been prepared by a suitably qualified and independent landscape architect;
  - ii. Includes actions, methods, and monitoring programmes to assist in achieving the purpose of the Plan set out in Conditions 17(c) and 17(d) below; and
  - iii. Meets the information requirements in, and gives effect to, the matters set out in Conditions 17(b) – 17(h) below.

A copy of the final LVAMP must also be provided to Kāi Tahu Papatipu Rūnaka, and all other parties who were consulted with in accordance with Condition 17(f).

- b) The LVAMP shall apply to:
- i. Kawarau Arm and Bannockburn Inlet as shown in Map A.

- c) Within Kawarau Arm part of Map A the purpose of the LVAMP shall be to identify areas and the actions to address landscape and visual amenity effects arising from the Consent Holder's activities including, but not limited to:
- i. Areas where and the extent to which driftwood will be removed;
  - ii. Areas where and the extent to which terrestrial weeds will be removed;
  - iii. Areas where and the extent to which planting will be undertaken, including the use of indigenous species where appropriate.

Advice note:

The identification and selection of the areas will be set out within the LVAMP in accordance with Condition 17(e). Generally, these locations will be focussed on areas where the transition within the lake/river system has reached an equilibrium i.e. so that actions can be meaningful and not potentially lost in the next high flow. In some instances however the areas and actions that will be undertaken will focus on areas affected by high flow and flood events (i.e remedial actions).

- d) Within the Bannockburn Inlet, as shown on Map A, the purpose of the LVAMP shall be to identify actions to address the landscape and visual amenity effects arising from the Consent Holder's activities involving the excavation of sediment in accordance with Condition 12 of consent 2001.385.V3, or any subsequent versions.
- e) The LVAMP must include:
- i. A summary of:
    - the existing landscape attributes and values within the locations shown on the Map at an appropriate scale relative to the purpose of the LVAMP set out in Conditions 17(c) – 17(e) and having regard to best practice landscape and visual assessment guidelines;
    - the river processes/geomorphology (including sediment levels) as relevant, including the environment anticipated under the existing hydro scheme consents;
  - ii. Identification and quantification of the changes in landscape and visual amenity by referring to any sediment and photographic surveys (undertaken by the consent holder) or any other relevant information (which must be appended);
  - iii. A description of the actions that have been undertaken by the consent holder to maintain landscape and visual amenity within the locations identified in Condition 17(b) within the period June 2024 and December 2025;
  - iv. Identification and rationale for the selection of the proposed areas and actions;

- v. A description of and a framework to address actions that are to be undertaken by the Consent Holder on an annual basis until the next iteration of the LVAMP in order to address landscape and visual amenity effects of the consent holder's activities within the area subject to the Plan;
  - vi. A description of the actions that will be undertaken as soon as is practicable by the Consent Holder within the relevant locations identified in the LVAMP following a flood event exceeding 800 cumecs in the Kawarau River measured at the Chards Road site (Site No.75262);
  - vii. Inclusion of a terrestrial weed management programme including identification and rationale for weed selection and removal, also taking into account potential effects on cultural and/or wider biodiversity values arising from disturbance and removal of weeds in certain locations. Where practicable and appropriate, any replanting shall be undertaken with indigenous species;
  - viii. Maps and/or other visual imagery (photos) supporting the proposed actions to be undertaken by the Consent Holder;
  - ix. Details of the monitoring, timelines and milestones associated with implementing the actions set out within the plan and reporting to the Consent Authority to ensure the purpose of the LVAMP is being met;
  - x. Details of the opportunities for the Consent Holder to work with Land Information New Zealand as the owner of the bed of Lake Dunstan with responsibility for management of aquatic weed, to assist it with aquatic weed management;
  - xi. A summary of the consultation undertaken in accordance with Condition 17(f), including any feedback under Condition 17(g).
- f) At least 90 calendar days prior to submission of the final LVAMP (being 1 July 2025 and five yearly thereafter) to the Consent Authority for certification, the consent holder shall submit a draft of the LVAMP for review and comment to:
- i. Kāi Tahu Papatipu Rūnaka.
  - ii. Central Otago District Council;
  - iii. Land Information New Zealand;
  - iv. Department of Conservation;
  - v. Lake Dunstan Charitable Trust;
  - vi. Otago Fish and Game; and
  - vii. Any other recreational groups or users of the lake or its margins as identified by the Consent Holder.

Advice note: In the event that any of the organisations change their name and/or become known/operate as a different entity in

the future but have the same or similar functions,  
this obligation will continue to apply to those new entities.

- g) The Consent Holder must provide to the Consent Authority at the time the final LVAMP is submitted in accordance with Condition 17(a), the following:
- i. Documented evidence that the draft LVAMP was submitted to the parties listed in Condition 17(f);
  - ii. Any feedback received from the parties listed in Condition 17(f); and
  - iii. An explanation of whether any comment has or has not been incorporated into the LVAMP and the reasons why.
- h) If any party listed in Condition 17(f) does not provide comments on the LVAMP within a 45-calendar day period, the Consent Holder may continue to finalise the LVAMP for submission to the Consent Authority for certification as if all obligations of Conditions 17(f) and 17(g) are satisfied.
- i) Following a flow event exceeding 800 cumecs within the Kawarau River measured at Chards Road site (Site No.75262), the Consent Holder is able to undertake any urgent actions to address landscape and visual amenity effects not otherwise specified in the LVAMP in response to the high flow event.
- j) The Consent Holder must implement the actions set out within the certified LVAMP in accordance with the specifications of the plan.
- k) On an annual basis following the certification of the LVAMP the Consent Holder must prepare a Summary Landscape and Visual Amenity Monitoring Report. The summary report must include:
- i. A description of the works and actions completed by the consent holder in the previous twelve months in accordance with the LVAMP;
  - ii. Where aspects of the LVAMP have not been implemented within expected timeframes, the report must include the reasons why, and the reasonably practicable measures that have been undertaken by the Consent Holder to address the failure to meet those milestones;
  - iii. Any other relevant actions undertaken by Consent Holder during the previous 12 months;
  - iv. Any relevant Rūnaka and community engagement that the Consent Holder has undertaken;
  - v. A review of the effectiveness of the LVAMP in meeting its purpose.

The Summary Report must be submitted to the Otago Regional Council on an annual basis by 30 June each year following certification of the LVAMP. The Summary Report must relate to the activities undertaken in accordance with the certified LVAMP during the preceding year up to and including 31 December. Compliance with this condition can be

achieved by incorporating the Summary Report into an overarching compliance report which covers the Consent Holder's existing consented obligations in terms of reporting to the Consent Authority on an annual basis.

A copy of the Summary Report must also be provided on an annual basis to Kāi Tahu Papatipu Rūnaka, and all other parties who were consulted with in accordance with Condition 17(f).

#### **18. Land Purchase**

The consent holder shall purchase an easement over that portion of land contained in CT11A/1285 (Otago Registry) affected by the operation of this consent subject to:

- a) The purchase price being fixed by registered valuation (provided that valuation has been prepared in accordance with commonly accepted valuation principles); and
- b) The owner of that land agreeing to sell that easement to the consent holder at the amount of the relevant valuation.

#### **19. Roding Issues**

- a) Within two years of the commencement of this consent, the consent holder shall submit a Roding Management Plan to Otago Regional Council for approval addressing the matters below.
- b) The Roding Management Plan shall be developed in consultation with Transit New Zealand and Central Otago District Council.
- c) The objective of that Roding Management Plan shall be to avoid, remedy or mitigate adverse effects of erosion and flooding on public roads and properly maintained bridges within Central Otago District, where those effects are caused, or contributed to, by the exercise of this consent; and
- d) That Roding Management Plan shall outline implementation methods, funding arrangements, and timing of any work which it requires. For the avoidance of doubt, the Roding Management Plan shall provide, amongst other things, for the use of Clyde Dam for access in an emergency, or at other times as requested by Central Otago District Council (when reasonable access across the Clutha River is restricted) provided in all cases that safety, security and operational conditions of the Clyde Dam are not compromised.
- e) The consent holder shall be responsible for ensuring the implementation of the Roding Management Plan.

#### **20. Sediment Management Plan**

- a) The consent holder shall within six months of the commencement of this consent commission the preparation of an option plan for the long term management of sediment in the Clutha Catchment that is either stored within or moving through the Crown easement area or is discharged through the Clyde or Roxburgh Dams.

In assessing the options, consideration shall be given to:

- (i) Sediment deposition in the head of the Clutha Arm of Lake Dunstan and the implications for the Bendigo Wildlife Area;

- (ii) Maintaining access to water for the existing surface water abstractors and the provision of access to water for future users;
  - (iii) The implications for groundwater abstractors adjacent to the Kawarau Arm of Lake Dunstan specifically those with bores within 100 metres of the existing lake edge;
  - (iv) Effects on flooding levels in Lake Dunstan and at Alexandra and along the lower Manuherikia River;
  - (v) Implications of revising the Flood Management Plan if it is not possible to obtain easements over land affected by raised flood levels;
  - (vi) Implications of changes in sediment trap efficiency of Lake Dunstan if the tipping face is allowed to advance down the Cromwell to Clyde Reach, including in particular the effect on flood levels at Alexandra;
  - (vii) The causes and mechanisms of the deposition of fine sediment in and on the margins of the lower Clutha River from Roxburgh Dam to the sea;
  - viii) The extent to which sediment starvation contributes to coastal erosion problems.
- b) The plan shall also include an assessment of the adverse and positive effects of each option, and the technical feasibility of each option together

with a draft management plan for the imposition of the recommended options.

- c) The plan shall be concluded within four years of the commencement of this consent and forwarded to the Otago Regional Council.
- d) The consent holder shall commission a peer review of the plan by suitably qualified experts independent of the consent holder.
- e) Within five years of commencement of consent the consent holder shall submit the plan and peer review prepared under this condition to Otago Regional Council.
- f) Within six months of receiving the plan and peer review, Otago Regional Council may serve notice pursuant to section 128 of the Resource Management Act 1991 of its intention to review the conditions of this consent and other consents listed in condition 2 to consider the adequacy of conditions governing the long term management of sediment in the Clutha catchment.

## 21. Close Down Condition

If at the expiry of the term of this consent the consent holder:

- a) does not apply for a similar new consent; or
- b) applies for a new (replacement) resource consent and the application is refused –

then the consent holder shall cease operating the resource consent on the following conditions:

- (i) it shall (temporarily) continue to act as if the resource consent was in existence;
- (ii) it shall forthwith after the resource consent expires or a renewal is refused (as the case may be) and after consulting with Queenstown Lakes District Council, Central Otago District Council, Clutha District Council and Fish & Game New Zealand (Otago Region) prepare a

management plan for the closing down of the scheme of which the resource consent is part, and submit that management plan to the Otago Regional Council;

- (iii) after the management plan is approved by the Otago Regional Council, the consent-holder shall follow the management plan with any changes made by the Otago Regional Council for the closing down of the scheme for as long as is required by that management plan.

Issued at Dunedin this 9<sup>th</sup> Day of August 2007 following the Environment Court Order of Judge Jackson dated 29 March 2007.

Reissued this 15<sup>th</sup> day of July 2008 to reflect a correction to the legal description and expiry date.

Re-issued at Dunedin this 18<sup>th</sup> day of October 2011 to reflect a variation to Condition 11(c).

Reissued at Dunedin this 7<sup>th</sup> day of December 2011 to reflect a variation to Condition 13 (d).

Reissued at Dunedin this 25<sup>th</sup> day of May 2020 to reflect a variation to Condition 13 (d) including the addition of Condition 13(e), (f) and (g) and addition of Appendix 1.

*Reissued at Dunedin this 24<sup>th</sup> day of May 2023 to reflect a review of Condition 17*



Allan Cubitt  
**Independent Decision Maker for the Otago Regional Council**



Appendix 1.

