

Our Reference: A1793480

Consent No: 2001.398.V3

## LAND USE 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 disturb the bed of Lake Roxburgh by moving or removing deposited sediment and to disturb and alter the bed of the lower Manuherikia River

for the purpose of flood mitigation

for a term expiring: 25 May 2042

Location of activity: Lower Manuherikia River, and Lake Roxburgh,

Legal description: Crown Land River Bed and Lot 1 DP 25198

Map reference: Centred on NZMS 260 G42:228-330

### 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 – 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. 2001.385 – Water Permit to 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 – Water Permit to Dam  
No. 2001.388 – Water Permit to Divert  
No. 2001.391 – Water Permit to Take & Use  
No. 2001.394 – Discharge Permit  
No. 2001.397 – Discharge Permit

**3. 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 for the period 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.

**4. 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.
- 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) 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.

## **5. 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 5 (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 5 (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 5 (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 5 (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.

## **6. Lakebed Monitoring**

- a) The consent holder shall survey the Lake Roxburgh bed at the cross sections identified in the Opus (July 2000) report on Drawing No. 8/1247/86/8804/3 (copy attached) and the Lower Manuherikia River bed at sections M1- M13 inclusive (as identified on the topographical map attached) at the following frequency:
  - at intervals of not more than five years for Lake Roxburgh; and
  - at intervals of not more than two years for the Lower Manuherikia River; except that
  - in the Lower Manuherikia River, a survey shall occur within 3 months of a flow exceeding 350 cumecs as measured at the Ophir site (Site No. 75253); and except that

- in both Lake Roxburgh and the Lower Manuherikia River, a survey shall occur within 3 months of inflows into Lake Roxburgh exceeding 1750 cumecs (as measured at Clutha River at Clyde and Manuherikia at Ophir).

The first survey of all above areas shall be undertaken within six months of the commencement of the consent.

- The results of each survey shall be provided to the Otago Regional Council within 3 months of completion of each survey. The reported survey results shall include an assessment of any predicted flood levels for Lake Roxburgh as measured at each re-survey cross-section based on a 3600 cumecs outflow at Roxburgh Dam.
- The consent holder shall prepare and update, on an annual basis, a plot of the water level of the Clutha River at Alexandra versus Lake Roxburgh inflows (stage/discharge rating) for inflows greater than 850 cumecs. An interpretation of the data and comment on any change in the flood hazard of Alexandra shall also be supplied. The plot and interpretation shall be included in the Annual Report required by Condition 3 of this consent.

#### 7. Maintenance of the Manuherikia Riverbed

- The mean bed level and thalweg level of the Manuherikia River between Lake Roxburgh and the Shakey Bridge shall be maintained at or below the levels shown below:

Section	LOCATION KM U/S FROM LAKE ROXBURGH	Mean bed level (RL metres)	1979 Thalweg levels
M1	0	131.6	130.9
M3	0.53	132.6	131.1
M4	0.76	132.8	130.5

The location of sections M1, M3 and M4 is identified on the topographical map of the Lower Manuherikia River attached to these consents.

- The mean bed level and thalweg level of the Manuherikia River between sections M10 and M13 shall be restored to and maintained at or below the levels shown below:

Section	LOCATION KM U/S FROM LAKE ROXBURGH	1979 Mean bed level (RL metres)	1979 Thalweg level (RL metres)
M10	3.97	138.3	137.7
M12	5.05	140.6	139.4
M13	5.70	143.8	141.6

The location of sections M10, M12 and M13 is identified on the topographical map of the Lower Manuherikia River attached to these consents.

- The mean bed levels and thalweg levels immediately:
  - Downstream of cross-section M1;
  - Upstream of cross-section M4;
  - Downstream of cross-section M10; and

- Upstream of cross-section M13.

shall be graded and tapered into the adjoining river reach to achieve smooth river bed geometry and hydraulic transitions.

- d) The consent holder may undertake works within the bed of Manuherikia River to meet the requirements of Conditions 7a) and b) provided that:
- (i) works shall ~~not~~ be undertaken between the months of ~~November~~ February and ~~April~~ July inclusive, except as provided for by condition (vi);
  - (ii) works shall not be undertaken during periods of low flow, and works shall cease if a rain event occurs that may result in sediment entering the river flow;
  - (iii) all reasonable measures shall be taken to reduce dust emissions resulting from the disturbance of the bed material;
  - (iv) works shall be undertaken in the dry bed of the river, away from water flows;
  - (v) for works that are needed in the river's wet bed, preliminary works shall be undertaken to temporarily move the flow of the river from the area to be excavated, and during these preliminary works the consent holder shall take all reasonable steps to minimise any release of sediment to water, and the natural course of the river shall be restored as soon as is practicable upon completion of the works;
  - (vi) works in the river's wet bed between cross sections M10 and M13 shall cease from 30 April until 31 July inclusive.

## 8. 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 18(c) and 18(d) below; and
  - iii. Meets the information requirements in, and gives effect to, the matters set out in Conditions 8(b) – 8(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 8(e).

- b) The LVAMP shall apply to the section of the Lower Manuherikia River shown in Map A.
- c) The purpose of the LVAMP shall be to identify the areas and actions to address landscape and visual amenity effects arising from the Consent Holder's activities involving the excavation of sediment from the river bed

in accordance with Condition 7(d) and in the Alexandra reaches and including the Linger and Die area.

Advice note:

The identification and selection of the areas subject to the LVAMP will be set out within the LVAMP in accordance with Condition 8(d). Generally, these locations will be focused on areas within the landscape where the transition within the 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.

d) The LVAMP must include:

- i. A summary of:
  - the existing landscape attributes and values within the Lower Manuherekia River (Map A) at an appropriate scale relative to the purpose of the LVAMP set out in Condition 8(c) 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 8(c) 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 recorded event exceeding 350 cumecs as measured at the Ophir site (Site No.75253);
- 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. A summary of the consultation undertaken in accordance with Condition 8(e), including any feedback under Condition 8(f).
- e) 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. Otago Fish and Game; and
  - vi. Any other recreational groups or users of the Lower Manuherekiā River 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.
- f) The Consent Holder must provide to the Consent Authority at the time the final LVAMP is submitted in accordance with Condition 8(a), the following:
- i. Documented evidence that the draft LVAMP was submitted to the parties listed in Condition 8(e);
  - ii. Any feedback received from the parties listed in Condition 8(e); and
  - iii. An explanation of whether any comment has or has not been incorporated into the LVAMP and the reasons why.
- g) If any party listed in Condition 8(e) 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 18(e) and 18(f) are satisfied.
- h) Following a flow event exceeding 350 cumecs within the Manuherekiā River measured at the Ophir site (Site No. 75253), 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.

- i) The Consent Holder must implement the actions set out within the certified LVAMP in accordance with the specifications of the plan.
- j) 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 to Kāi Tahu Papatipu Rūnaka, and all other parties who were consulted with in accordance with Condition 8(e) as part of the development of the final LVAMP.

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.

Reissued at Dunedin this 17<sup>th</sup> day of December 2008 to reflect a variation to condition 7(d)(i) and the addition of condition 7(d)(vi) and updating the location of the consent activities

Reissued at Dunedin this 29<sup>th</sup> day of March 2012 to correct the numbering of condition 7 (d).

Reissued at Dunedin this 8<sup>th</sup> day of September 2014 to reflect a variation to Condition 6

Reissued at Dunedin this 24<sup>th</sup> day of May 2023 to reflect a review of Condition 8



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Allan Cubitt  
 Independent Decision Maker for the Otago Regional Council

Map A

