

Attachment 1

CRC262540 – Section 14 Consent to take and use water for hydroelectricity generation (Operation of Lake Pūkaki below 518 m)

CONSENT SCOPE

Note: This consent authorises the taking and using of water in Lake Pūkaki from between 518.0 m RL and 513 m RL for hydroelectricity generation purposes.

This consent is in addition to consents CRC905321.7 and CRC185833 held by the consent holder, which also allow it to 'operate' Lake Pūkaki between ~~a maximum lake level of 532.48.0~~ m RL and ~~minimum lake level of 515.3~~ m RL. It is also in addition to the consent holder's ability to 'operate' Lake Pūkaki below 518.0 m RL to 513 m RL as a permitted activity under Table 4 and Rule 17 of the Waitaki Catchment Water Allocation Regional Plan.

GENERAL CONDITIONS

1. This consent will expire on 1 ~~September~~ 2028 unless surrendered or cancelled at an earlier date.
2. At any time the consent holder is exercising this consent it shall also comply with all conditions of CRC905321.7, CRC905324.1 and CRC18513CRC185833, or any subsequent replacements for variation] thereof, with the exception of conditions relating to minimum lake level.
3. The consent holder must advise Canterbury Regional Council (Attention: Manager Compliance), Te Rūnanga o Moeraki, Te Rūnanga o Arowhenua, and Te Rūnanga o Waihao when lake levels reach 519.0 m RL (i.e. before Lake Pūkaki is reduced below the Minimum Lake Level of 518.0 m RL provided for in CRC905321.7).
4. Whenever the level of Lake Pūkaki is below 518 m RL pursuant to the exercise of this consent, the consent holder must advise Canterbury Regional Council (Attention: Manager Compliance), Te Rūnanga o Moeraki, Te Rūnanga o Arowhenua, and Te Rūnanga o Waihao weekly of:
 - a. the strategies adopted to restore Lake Pūkaki to the Normal Consented Minimum Lake Level of 518 m RL; and
 - b. the lake level at the end of each reporting week;
 - c. the estimated timeframe for returning Lake Pūkaki to the Normal Consented Minimum Lake Level; and
 - d. the measures adopted to mitigate adverse effects of operating the lake below the Normal Consented Minimum Lake Level, including effects on cultural values and mahinga kai.
5. The lake level measurement and reporting under this consent shall be the same as is required under the main operating consent ~~[can we have a reference please?]~~.
6. Every time the consent holder exercises this consent to operate Lake Pūkaki below 518 m RL, the consent holder must, no later than eight weeks following the completion of each lowering event, provide Canterbury Regional Council (Attention: Manager Compliance), Te Rūnanga o Moeraki, Te Rūnanga o Arowhenua, and Te Rūnanga o Waihao with the following information:
 - a. the date and time at which the lake was lowered below 518 m RL;
 - b. the levels at which the Lake Pūkaki was managed over the duration of the lowering event;
 - c. the duration of the lowering event;
 - d. a written description of the circumstances leading to and applying during the lowering event; and

Commented [SB1]: Existing consents provide only for lake to be drawn to 515m RL.

Commented [SB2]: CRC notes that an expiry so close to the end of winter may result in this consent not being able to be utilised during the winter of 2028. The reason being that upon expiry of this consent Meridian will need to comply with the minimum lake levels on their existing consents. It may take some time for the Lake to return to levels above 518m RL and so this needs to be managed by Meridian to ensure upon expiry of this consent, the Lake is back to 518m RL.

Commented [SB3]: Provides for the take and use of water from Lake Pūkaki, was inadvertently left off in s53 comments

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Commented [SB4]: Noting that a new consent replacing these is anticipated to be granted by Environment Court in due course.

Commented [SB5]: While CRC did in s53 comments propose this condition, on further consideration considers the drafting may cause some ambiguity as to if compliance with all conditions of the specified consents would need to be demonstrated through this consent (if granted). As such if the Panel agrees with this concern, suggested alternative wording is:

This resource consent should only be used in conjunction with CRC905321.7, CRC905324.1 and CRC185833, or any subsequent replacements thereof; with the exception of conditions specifying minimum lake level.

Commented [SB6]: The existing, active consents are CRC905321.7, CRC905324.1 and CRC185833. These are to be replaced by CRC240441 when decided by Environment Court.

CRC maintains the comments raised for CRC262540, condition (3) in its s53 response (Appendix 2). Further noting that the condition recommended in s53 comments could be prefaced with 'until such a time that CRC240441 or any variation thereof is active' (noting as a controlled activity the Environment Court must grant CRC240441).

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- e. a written description of the measures adopted to mitigate adverse effects of operating the lake below the Normal Consented Minimum Lake Level, including effects on cultural values and mahinga kai.
7. If the information provided in condition 5 indicates that the timing, duration, frequency and extent of any lowering operation is different to what was predicted in application FTAA-2510-1120, then the consent holder shall provide a detailed explanation of the differences and the circumstances of their occurrence to the Canterbury Regional Council (Attention: Manager Compliance) within 3 months of the lowering event.

KAKI MONITORING

8. The consent holder shall notify the Department of Conservation when the lake water level is forecast to drop below 518 m RL and request them to undertake Kaki monitoring in accordance with the agreement between the Department of Conservation and the consent holder dated 30th August 2012. The results of any monitoring shall be provided to the Canterbury Regional Council.

ECOLOGICAL MANAGEMENT

9. Before first exercise of this consent, the Consent Holder must engage a Suitably Qualified and Experienced Person to prepare an overarching Wetland Ecological Management Plan (WEMP) in accordance with Condition 10. The WEMP shall be provided to the Canterbury Regional Council (Attention: Manager Compliance) immediately upon completion.
10. The objectives of the WEMP are to:
- Detail the ecological management programme that will be implemented to avoid, remedy, or mitigate the impacts on wetland ecological values when the lake water level is forecast to drop below 518 m RL;
 - Document the management measures that will be adopted by the Consent Holder, including the restoration, management and maintenance of wetland ecological features and values; and
 - Ensure that any long-term effects are appropriately managed through monitoring, adaptive management where appropriate, and implementation of appropriate responses.
11. The WEMP must outline procedures to address the effects of lowering the lake below 518 m RL on wetland ecological values, including measures to:
- avoid where practicable, or otherwise minimise, adverse effects on ecological and biodiversity values; and
 - achieve the purposes of the objectives and their expected ecological outcomes.
12. The WEMP must be prepared in consultation with the Department of Conservation, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki.

GABION ROCK WALL INSPECTIONS

13. The consent holder shall inspect the nature of rip-rap adjacent to the gabion rock wall located at SH80 Mount Cook Road (SH 80 RS 17 RP 12.64 – 12.7). Inspections shall be undertaken weekly at any time Lake Pūkaki falls below 518m RL. Where any erosion of the rip-rap is observed, the consent holder shall be responsible for rectifying the situation. The consent holder shall provide a record of inspections, findings and how any erosion was rectified within 8 weeks of Lake Pūkaki returning to 518m RL.

TEKAPO B POWER STATION AND TEMPORARY TAILRACE STRUCTURE

14. Unless the consent holder satisfies the Canterbury Regional Council that Genesis Energy Limited does not require the consent holder to satisfy conditions 15 to 27, then Conditions 15 to 27 must be complied with prior to the first exercise of this consent.

Advice note: *The Tekapo B power station and temporary tailrace structure is situated on land owned by Genesis Energy Limited ('Genesis') and not the consent holder. However, GEL has undertaken to the Expert Consenting Panel considering FTAA-2510-1120 that it will allow the consent holder access to its land for the*

Commented [SB7]: Suggest additional conditions or clauses be included:

- Specifically stating when the WEMP must be given effect to (ie when lake is forecast to drop below 518m RL, or as soon as lake drops below 518m RL?).

Suggested wording:

The WEMP must be implemented when [trigger point at which the WEMP must be implemented].

- Reporting back to CRC on findings including actions that have or need to be completed. Suggested wording: *The consent holder must, within 6 months of Lake Pūkaki returning to above 518 m RL, report to Canterbury Regional Council [and rūnanga?] the findings of the WEMP against conditions (10) and(11).*

Commented [SB8]: Dr Jack notes the objectives are sufficiently broad that they could cover the effects she raised as being of concern, alternatively more specific objective could be included to ensure this is provided for (if this was the intent of the Panel including such a condition). Dr Jack's concern being the persistence of At Risk and Threatened plants - if lowering happens every year and those threatened plants in the delta are not inundated then they might reduce in extent / occurrence.

Commented [SB9]: Given the short duration of this consent, it would be beneficial to expand on this. Would long-term mean effects that will last beyond the consent or rather simply any effect is appropriately managed.

Commented [SB10]: Possible missing words?

Commented [SB11]: Conditions 23-27 appear to be some provisions within these conditions that would have to occur after first exercise

purposes of implementing conditions 15 to 27. The Expert Consenting Panel has relied on this undertaking in imposing conditions 15 to 27. But the Expert Consenting Panel is also aware that the consent holder and GEL may, after the issue of this consent, conclude a 'side' agreement that provides alternative methods to manage potential risks from the exercise of this consent on the Tekapo B power station and temporary tailrace structure. In that event, conditions 15 to 27 may become unnecessary. The purpose of this condition is to excuse compliance with those conditions if GEL and the consent holder reach an alternative option that manages the potential risks after the issue of this consent.

15. Within 20 working days of commencement of this consent, the consent holder must, after consultation with Genesis, identify and provide to Genesis a list of at least three independent persons experienced in the design and construction of hydraulic structures ("Suitably Qualified and Experienced Practitioners" or "SQEP") that the consent holder considers are appropriate to undertake the requirements contained in Conditions 19 to 25 of this consent.
16. Provided that Genesis confirms a preferred SQEP from the list within 5 working days, the consent holder must appoint the SQEP selected by Genesis.
17. If Genesis does not select a SQEP within 5 working days, the consent holder must appoint a SQEP from the list and, within a further 5 working days, inform Genesis who the appointed SQEP is.
18. The consent holder may, as necessary in the circumstances, replace the appointed SQEP with another SQEP, provided that the process set out in Conditions 15, 16 and 17 is repeated.
19. Prior to the first lowering of Lake Pūkaki below 518.0 m RL in accordance with this consent, and following consultation with Genesis, the consent holder must have engaged the SQEP to prepare a Repair Strategy and Associated Works Programme for the Tekapo Temporary Tailrace, the purpose of which is to set out the procedures to be followed and physical works implemented to ensure that any lake level lowering authorised by this consent will not adversely affect the Tekapo Temporary Tailrace or the operation of the Tekapo B Power Station.
20. The Repair Strategy and Associated Works Programme must be prepared following consultation with Genesis, and, as a minimum:
 - a. incorporate all recommendations contained within the WSP memorandum 'Tekapo B Power Station Submerged Weir – Damwatch Document Reviews' dated 26 March 2026 and the WSP report 'Tekapo Submerged Weir Structural Condition Assessment' dated 25 March 2026, including but not limited to:
 - i. reinstatement of displaced rip-rap;
 - ii. repair of concrete defects;
 - iii. treatment of exposed reinforcement;
 - iv. installation of new steel dowels to provide a positive and reliable connection between the concrete cap and base;
 - v. investigation of unusual sill beam survey results and potential cracking; and
 - vi. removal of silt and vegetation or detailed inspection and concrete testing;
 - b. incorporate any additional requirements identified by the SQEP in order to satisfy Condition 19;
 - c. provide timeframes for the works required by (i) and (ii) above to be completed;
 - d. identify the approvals and resource consents (if any) required to be obtained by the consent holder in order to implement the Repair Strategy and Associated Works Programme;
 - e. set out the post construction monitoring and management measures required to ensure that the lowering the lake level below 518.0 m RL does not adversely affect the Tekapo Temporary Tailrace or the operation of the Tekapo B Power Station;
 - f. be certified by the SQEP as satisfying the requirements of this Condition 20; and

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- g. be provided to Genesis and the Canterbury Regional Council (Attention: Manager Compliance) immediately on completion.
21. The Repair Strategy and Associated Works Programme may be amended from time to time, provided that:
- Genesis has been consulted regarding the details of any amendment; and
 - any amendment has been certified by the SQEP, and a copy provided to Genesis and the Canterbury Regional Council (Attention: Manager Compliance), prior to any amendment being implemented.
22. The Consent Holder must ensure that:
- the works identified in the Repair Strategy and Associated Works Programme are completed in accordance with the Repair Strategy and Associated Works Programme and certified by the SQEP as soon as is practicable and, unless recommended otherwise by the SQEP, no later than 12 months following the commencement of this consent and before any lowering of Lake Pūkaki below 518.0 m RL under this consent; and
 - Genesis and Canterbury Regional Council (Attention: Manager Compliance) have been provided written confirmation that the requirements of Condition 22(a) and (b) above have been satisfied.
23. Whenever the level of Lake Pūkaki is below 518.0 m RL in accordance with this consent, the consent holder must ensure that a minimum Tail Water Level ("TWL") of 518.0 m RL is maintained between the Tekapo B Power Station and the Tekapo Temporary Tailrace at all times, as measured at the Tekapo B Power Station or an alternative suitable location certified by the SQEP and confirmed in writing to Genesis and Canterbury Regional Council (Attention: Manager Compliance).
24. Monitoring results collected in accordance with Condition 20(e) must be provided to the SQEP, who must be instructed by the consent holder to assess if ongoing operation of the Tekapo Temporary Tailrace will ensure Condition 19 of this consent is able to be satisfied. A copy of that assessment must be provided to Genesis and Canterbury Regional Council (Attention: Manager Compliance) immediately on completion.
25. Should the SQEP advise that ongoing operation of the Tekapo Temporary Tailrace will not satisfy the requirements of Condition 19, the SQEP must be instructed by the consent holder to determine what intervention is necessary, including timeframes for such intervention to ensure that Condition 15 of this consent will be satisfied. A copy of that assessment must be provided to Genesis and Canterbury Regional Council (Attention: Manager Compliance) immediately on completion.
- For the purposes of this condition, intervention includes, but is not limited to, modifications or repairs to the Tekapo Temporary Tailrace and environs, and/or additional monitoring, and/or changes in operation of the Waitaki Power Scheme, and/or promptly restoring the level of Lake Pūkaki to 518.0 m RL.
26. The consent holder must promptly implement the intervention measures identified by the SQEP in accordance with Condition 25, and Genesis and the Canterbury Regional Council (Attention: Manager Compliance) must be advised, in writing, immediately on completion.
27. Genesis must be notified immediately, and no later than 24 hours afterwards, of any monitoring or assessment indicating that the required TWL in Condition 23 is not, or may not be, maintained.

DUST

28. The consent holder shall prepare and implement a communication plan to advise landowners adjoining Lake Pūkaki of potential increases in dust when the lake is expected to drop below 518 m RL. The communication plan shall include details of which landowners will be contacted and the required mechanism for contacting them.

Commented [SB12]: CRC has not engaged technical advice on this matter, however notes that the practicalities of undertaking any works prior to lake being lowered should be considered (ie would some works need to be carried out when area is exposed).

Commented [SB13]: Wonder if (b) should be included if there are additional matters to be covered.

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29. A record of all complaints relating to dust discharged from the margins or exposed bed of Lake Pūkaki must be maintained and shall include:
- a. The location where the dust was detected by the complainant;
 - b. The date and time when the dust was detected;
 - c. A description of the wind speed and wind direction when the dust was detected by the complainant;
 - d. The most likely cause of the dust detected; and
 - e. Any corrective actions undertaken by the Consent Holder to avoid, remedy, or mitigate the effects of the dust detected by the complainant.

The complaints record shall be provided to the Canterbury Regional Council (Attention: Compliance Manager) on request.

REVIEW

30. The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
- a. Dealing with an adverse effect on the environment occurring as a result of the exercise of this resource consent; or
 - b. Requiring best practicable options to be adopted by the consent holder to remove or reduce any adverse effect on the environment as a result of the exercise of this resource consent; or
 - c. Requiring the consent holder to carry out monitoring and reporting instead of, or in addition to, that required by the resource consent; or
 - d. Requiring the consent holder to comply with a relevant rule in an operative regional plan.