

10 July 2025

Ministry for the Environment
c/- Helen Willis
Advisor

Dear Ms Willis

RE: Fast-track Approvals Act Application – Clutha Hydro Scheme

Please refer to the below for Contact Energy Limited's ("**Contact**") response the request for information regarding the referral application made under the Fast-track Approvals Act 2024 ("**FTAA**") for the Clutha Hydro Scheme – Increasing Flexibility and Security of Electricity Supply Project ("**the Project**") received on 7 July 2025.

The following information was requested:

1. *In terms of subsection 42(6)(b), we are seeking some further information/understanding on **how** these variations are material to the implementation or delivery of the project.*
2. *Additionally, we are seeking to understand **why** the project requires new consents in addition to variations. Could it be, for example, that the project could be enabled by the new consents alone, or alternatively, the variation of current conditions alone under standard RMA processes?*

These questions are addressed in the sections below.

Proposed variations material to the delivery of the Project

Contact holds existing consents to operate the Clutha Hydro Scheme, including resource consent to dam Lake Hāwea (Consent No. 2001.383, attached as **Attachment 1** to this letter). Condition 9 of this consent specifies that the normal minimum operating level for Lake Hāwea shall not decrease below 338m above sea level ("**masl**"), at any time except when the Electricity Commission (now Transpower) determines that reserve generation capacity should generate electricity, in which case the Lake level can be lowered to 336m.

The Project is seeking new consents to lower the level of Lake Hāwea to 336masl during normal operating conditions and to 333masl at 4% Electricity Risk Curve (the Alert Level) and 330masl at 8% Electricity Risk Curve (or in other words when there is an extreme electricity generation shortage). Therefore, when Contact exercises its new consents sought as part of the Project, and lowers the lake to a level below 338masl (or below 336masl when the contingent storage is accessed) it will be non-compliant with its existing consent conditions. As such, this will result in compliance issues for Contact. Therefore, in order to ensure that Contact is complying with its consent conditions when exercising the new consents sought, variations are required to the existing consents it holds. Consequently, the proposed variations are material to the delivery of the Project, as without these variations to the existing consents, Contact will not be able to exercise the new consents sought without having compliance issues, and therefore, will not be able to deliver the significant national benefits of the Project.

Furthermore, the proposed variations to the existing consent conditions are not expected to be substantial. Rather, these changes are intended to ensure alignment between the current authorisations and the new approval sought under the FTAA process, thereby preventing any potential conflicts and compliance issues. These changes are indicated in the section below in this letter and will be confirmed in the substantive application if the referral application is successful.

Seeking variations for the Project under the RMA

Whether the Project could be enabled by seeking variations under section 127 of the Resource Management Act 1991 (“**RMA**”) in its entirety, the answer is no. A change of resource consent conditions under section 127 of the RMA cannot substantially change the scope of a project.¹ Whether an application falls within the scope of section 127 is a question of fact and degree in the circumstances of the case:²

- > The activity must be, for all intents and purposes, the same activity for which consent was originally granted;³
- > The decision-maker should compare any difference in adverse effects likely to follow from the proposed variation with those associated with the activity in its original form;⁴ and
- > The variation should be treated as a new application where it would result in:⁵

¹ Acknowledged by the Ministry for the Environment in the [Departmental Report on the Fast-track Approvals Bill](#) at [660].

² *Body Corporate 970101 v Auckland City Council* (2000) 6 ELRNZ 183 (HC) at [73]; *Body Corporate 97010 v Auckland City Council* [2000] 3 NZLR 513 (CA) at [36]; and *Sutton v Moule* (1992) 2 NZRMA 41 (CA) at 49.

³ *Te Rūnanga o Ngāti Awa v Bay of Plenty Regional Council* [2022] NZCA 598, (2022) 24 ELRNZ 487 at [187], [189] and [191].

⁴ *Body Corporate 970101 v Auckland City Council* (2000) 6 ELRNZ 183 (HC) at [74]; and *Body Corporate 97010 v Auckland City Council* [2000] 3 NZLR 513 (CA) at [37].

⁵ *Body Corporate 970101 v Auckland City Council* (2000) 6 ELRNZ 183 (HC) at [74]; and *Body Corporate 97010 v Auckland City Council* [2000] 3 NZLR 513 (CA) at [37]; *Te Rūnanga o Ngāti Awa v Bay of Plenty Regional Council* [2022] NZCA 598, (2022) 24 ELRNZ 487 at [188] and [191]. See for example *Warbrick v Whakatane District Council* [1995] NZRMA 303 (PT), where a restaurant sought consent to open for breakfast daily, when it was previously not open for that meal. The Planning Tribunal found that to be of materially different character.

- A fundamentally different activity / substantially modified activity / use or activity of a materially different character, i.e. where the activity originally consented will essentially be replaced;
- Increased intensity and scale of the activity;
- Materially different / consequential increases in adverse effects; or
- An expansion or extension of the original activity.

In this case, the Project as described in the referral application, does not satisfy the legal “tests” to be considered to be a variation. In particular:

- > The activity is fundamentally different to that for which consent was originally granted (with a 2m reduction in the minimum lake level during normal operating conditions and up to 6m reduction in the minimum lake level for contingent storage) and the activity as consented will be replaced;
- > There is increased intensity of the activity in relation to the use of a materially larger operating and contingency range of lake levels;
- > There is a material difference in, and increase in, adverse effects between the consented minimum lake level and what is sought through the Project, for example potential dust and hydrology effects (as discussed in Section 3.5 of the referral application); and
- > The Project is a clear expansion of the consented activity.

Attempted use of section 127 of the RMA to change the conditions of the existing consent held by Contact would therefore be an abuse of that process and unavailable. As such, the Project cannot be delivered through seeking a variation under the RMA, and the process provided for under the FTAA will enable the efficient delivery of the significant national benefits of the Project, contributing to achieving New Zealand’s decarbonisation goals and increasing the security of New Zealand’s electricity supply.

Proposed variations to the conditions

As noted above, variations to the existing resource consents held by Contact to dam Lake Hāwea will be required to ensure Contact is able to comply with its consent conditions. These changes are largely administrative and will ensure the existing consents align with the activities provided for under the new consents, to avoid any conflict or compliance issues. Condition 9 of Consent No. 2001.383 outlines the normal minimum operating level and the contingent storage operating level and is therefore relevant to the Project. It is anticipated that the following change will be made to this condition to enable to the delivery of the Project⁶ (changes are shown in redline and ~~strikethrough~~):

⁶ It is noted that at this stage the proposed variations are indicative only and will be confirmed in the substantive application.

Condition 9: Lake Levels

- a) The normal maximum operating level for Lake Hawea shall not exceed 346 m above datum (based on a 3 hour rolling average), as measured at the Hawea Dam site (Site No. 75288), 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 for Lake Hawea shall be undertaken in accordance with Condition [x] of Consent No. [insert consent reference] not decrease below 338 m above datum (based on a 3 hour rolling average), as measured at the Hawea Dam site (Site No. 75288), at any time except as required to ensure dam safety or when the Electricity Commission (or any statutory body exercising like powers and functions to the Electricity Commission) determines that reserve generation capacity (such as that currently located at Whirinaki) should generate electricity:
- ~~c) The Lake shall be returned to its minimum operating level of 338 m above datum as soon as possible after the dam safety issue is resolved or when the the Electricity Commission (or any statutory body exercising like powers and functions to the Electricity Commission) determines that operation of reserve generation capacity (such as that currently located at Whirinaki) is no longer required:~~
- ~~d) The lake level shall not decrease below 336 m above datum (based on a 3 hour rolling average), as measured at the Hawea Dam site (Site No. 75288), at any time:~~
- c) Under flood flow conditions, the level of the lake shall be managed in accordance with the Clutha Flood Rules Version 1 (if still operative) or the Flood Management Plan.

Please do not hesitate to contact me should you require any further information or clarification regarding the above.

Yours sincerely,



Claire Hunter
Mitchell Daysh Limited

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ATTACHMENT 1

Consent No. 2001.383

WATER PERMIT

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

Name: Contact Energy Limited

Address: Level 1, Harbour City Tower, 29 Brandon Street, Wellington

to dam Lake Hawea at the outlet to the Hawea River with an earth dam (Hawea Dam), with a crest level of 351.4 metres above datum

for the purpose of storing water in Lake Hawea

for a term expiring: 25 May 2042

Location of activity: At the outlet at the southern end of Lake Hawea

Legal description: Lot 2 DP 25173

Map reference: Centred on NZMS 260 G40:153-124

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. 2001.389 – 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 and 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

No. 2001.398 – 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, 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 the 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 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.

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.
- 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 Safety Requirement**

- a) The consent holder shall ensure that the Hawea Dam and all its appurtenant components and accessory structures including the Gladstone Gap Stopbank 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 Hawea 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 Hawea Dam shall be carried out at intervals of not more than five years, commencing from 2006, or such greater intervals as agreed by Otago Regional Council. The assessment shall include consideration of the Gladstone Gap Stopbank and take into account current understanding of the seismicity of the area and of possible effects on flood flows and lake levels due to climate change.
- 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, Queenstown Lakes District Council and the 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 Hawea Dam, an inspection and accompanying independent audit shall be carried out as soon as practicable after the earthquake. A summary report detailing the results on the inspection and audit 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 Hawea Dam site is to record lake levels beyond the drawdown zone of the discharge structure.*

- b) 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 for Lake Hawea shall not exceed 346 m above datum (based on a 3 hour rolling average), as measured at the Hawea Dam site (Site No. 75288), 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 for Lake Hawea shall not decrease below 338 m above datum (based on a 3 hour rolling average), as measured at the Hawea Dam site (Site No. 752 88), at any time except as required to ensure dam safety or when the Electricity Commission (or any statutory body exercising like powers and functions to the Electricity Commission) determines that reserve generation capacity (such as that currently located at Whirinaki) should generate electricity.
- c) The Lake shall be returned to its minimum operating level of 338 m above datum as soon as possible after the dam safety issue is resolved or when the the Electricity Commission (or any statutory body exercising like powers and functions to the Electricity Commission) determines that operation of reserve generation capacity (such as that currently located at Whirinaki) is no longer required.
- d) The lake level shall not decrease below 336 m above datum (based on a 3 hour rolling average), as measured at the Hawea Dam site (Site No. 75288), at any time.
- e) Under flood flow conditions, the level of the lake shall be managed in accordance with the Clutha Flood Rules Version 1(if still operative) or the Flood Management Plan.

10. Lake Margins Monitoring Management Plan

- a) Within two years of the commencement of this consent, the consent holder shall submit to the Otago Regional Council for approval, a plan covering monitoring and collection of data relating to foreshore landscape management and erosion management of the lake margin and adjacent land.
- b) The Plan for monitoring and collection of data shall include provision for:

- (i) Establishing and regular surveying of topographical profiles of the near shore lake bed, foreshore and relevant lake margin land around the southern end of Lake Hawea, the precise limits to be specified in the plan, but including the area adjoining Hawea Township;
- (ii) Establishing inspection and/ or erosion profile measurement points at erosion prone areas of the balance of the entire lake foreshore not covered in b(i) above. Where such points are established, subsequent inspection and/ or topographical measurement shall include the foreshore and relevant lake margin land at each defined point;
- (iii) Defining the extent and accuracy requirements of the profiles in (b)(i) and (b)(ii) above as well as the monitoring intervals (including after specified weather events);
- (iv) Collection of sediment samples from the near shore lake bed and foreshore for grain size analyses to support assessment of sediment movement and deposition;
- (v) Wind speed and wind and wave direction measurement and recording at a suitable place near the lakeshore at Lake Hawea township;
- (vi) Recording of concentrations of ambient dust in the air for five years at intervals and locations specified to ensure that representative samples are collected along the southern end of the lake and immediately to the south of Lake Hawea township;
- (vii) Whether there shall be control sites (e.g. at Glenorchy or in Canterbury) in respect of ambient dust quantities;
- (viii) Maintenance and calibration of monitoring equipment to appropriate industry standards;
- (ix) The reporting frequency and format, as agreed with the Otago Regional Council, which for the avoidance of doubt shall include:
 - 1) An interpretation of monitoring results;
 - 2) Summary information and/or graphs necessary to support the interpretation of results collected; and
 - 3) Identification of responsibilities for data collection and interpretation.
- c) The consent holder shall ensure that the Lake Margins Monitoring Management Plan is reassessed in consultation with the Crown, Queenstown Lakes District Council and Hawea Community Association Incorporated every five years after approval of the first Lake Margins Monitoring Management Plan and shall submit any revised Plan to the Otago Regional Council for approval within six months of the reassessment.
- d) The consent holder shall be responsible for implementation of the Lake Margins Monitoring Management Plan, including approved revisions of that Plan.

11. Foreshore Landscape Management Plan

- a) Within two years of the commencement of this consent, the consent holder shall submit to the Otago Regional Council for approval a Foreshore Landscape Management Plan, developed in consultation with the Crown, the Queenstown Lakes District Council and the Hawea Community Association Incorporated. The Foreshore Landscape Management Plan shall have the objective of ensuring an appropriate level of landscape amenity in the area of lake margins and adjacent

land affected by the consent holder's activities, and shall include a programme of implementation actions, methods and timelines for required actions.

- b) The consent holder shall be responsible for ensuring implementation of the Foreshore Landscape Management Plan, including approved revisions of that Plan.
- c) The consent holder may reassess the Foreshore Landscape Management Plan at any time in consultation with Otago Regional Council and other potentially affected parties including the Crown, Queenstown Lakes District Council and Hawea Community Association Incorporated. Any revisions to the Plan shall be submitted to Otago Regional Council for approval.
- d) The consent holder shall, in consultation with the Crown, Queenstown Lakes District Council and Hawea Community Association Incorporated, reassess the Foreshore Landscape Management Plan every five years after approval of the first Foreshore Landscape Management Plan and shall submit any revised Plans to the Otago Regional Council for approval within six months of the reassessment.
- e) In preparing and implementing the Foreshore Landscape Management Plan, and in any revision of that plan, priority shall be given to:
 - (i) removal of remnant trees and scrub which are on the bed of Lake Hawea in the vicinity of the Neck and which are visible at any lake level above 338 metres above datum;
 - (ii) actions to maintain an appropriate level of landscape amenity in areas of lake margins and adjacent land affected by the consent holder's activities on the southern shore of Lake Hawea, in particular :
 - between the Hawea Camping Ground site and the eastern edge of Hawea Township;
 - on the lake-ward side of the Gladstone Gap stopbank; and
 - to the north of John's Creek hamlet.

12. Erosion Management Plan

- a) Within two years of the commencement of this consent, the consent holder shall submit to the Otago Regional Council for approval an Erosion Management Plan, developed in consultation with the Crown, the Queenstown Lakes District Council and the Hawea Community Association Incorporated. The Erosion Management Plan shall have the objective of avoiding, remedying or mitigating adverse erosion effects caused by or contributed to by the consent holder's activities, address lakeshore stability issues and include a programme of implementation actions, methods and timelines for required actions.
- b) The consent holder shall, be responsible for ensuring implementation of the Erosion Management Plan, including approved revisions of that Plan.
- c) The consent holder shall, in consultation with the Crown, Queenstown Lakes District Council and Hawea Community Association Incorporated, reassess the Erosion Management Plan every five years after approval of the first Erosion Management Plan and shall submit any revised Plan to the Otago Regional Council for approval within six months of the reassessment.
- d) In preparing and implementing the Erosion Management Plan, and any revision of it, priority shall be given to:

- (i) actions to avoid remedy or mitigate actual or potential erosion effects on the lake margins and adjacent land adjoining Lake Hawea township;
- (ii) actions to avoid remedy or mitigate erosion of lake margin or adjacent land at any point around the balance of Lake Hawea which affects public roads and private land, or which causes a risk to public safety.

13. Fish Passage into Tributaries

The consent holder shall ensure that during the months of April to November inclusive, adult trout are able to enter the Dingleburn, Timaru Creek and the Hunter River, from Lake Hawea. The methods adopted are to be developed in consultation with Fish & Game New Zealand (Otago Region).

14 Safety Warnings

- a) The consent holder shall provide and maintain adequate signage in good repair in the vicinity of the Hawea Dam where the public can gain access, to warn the public of hazards associated with the operation of the structure and its appurtenant components and navigation risks associated with lake shore erosion, and the exposed lakebed in Lake Hawea.
- b) The consent holder shall maintain a boom on the lake surface, generally 100 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 boat ramp, 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 Queenstown Lakes 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 Hawea River below the Hawea 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 approved revisions of that plan.
- e) 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 the lakebed, and on shores 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. Hazard Map for Gladstone Gap over flow

The Consent Holder shall, within three months from the commencement of this consent supply to Otago Regional Council, Queenstown Lakes District Council and Hawea Community Association Incorporated a plan showing the extent of the likely overland flow path to the Hawea River if the Gladstone Gap stopbank is overtopped.

18. 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 9th Day of August 2007 following the Environment Court Order of Judge Jackson dated 25 May 2007.

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



Marian Weaver
R M Procedural Specialist