

## **Schedule 1: General Conditions**

### **General Conditions Applying to All Resource Consents - CRC120687, CRC120695, CRC120691, CRC120696, CRC120692, CRC120694, CRC122547, CRC120675, CRC130467**

The following are General Conditions applying to all resource consents granted for the Waitohi Irrigation and Hydroelectricity Project (also known as the HWP scheme):

#### **General**

- 1 No water takes or uses shall commence until all obligations relating to that stage of scheme development and contained in other conditions of these consents have been met to the satisfaction of the Canterbury Regional Council RMA Monitoring and Compliance Manager.

#### **Management Plans**

- 2 The consent holder shall prepare for the approval of the Canterbury Regional Council RMA Monitoring and Compliance Manager such Management Plans as are required to give effect to the purposes and objectives specified in this consent, including, but not limited to the following:
  - (a) Scheme Environmental Management Plan (SEMP);
  - (b) Ecological Management Plan (EP);
  - (c) Waitohi Restoration Plan for the lower Waitohi and Washpen Stream;
  - (d) Braided River Birds Monitoring and Management Plan (BRBMMP);
  - (e) Reservoir Management Plan; and
  - (f) Recreation Management Plan;
  - (g) Excavation Management Plan.
- 3 The likely timing of the delivery of these Management Plans shall be identified by the consent holder within three months of the issue of this consent. The consent holder shall work collaboratively with the Canterbury Regional Council to ensure that ample notice of the delivery date for each plan is provided to assist the Canterbury Regional Council with planning the allocation of resources to assess each of the plans.
- 4 The consent holder may, without changing the purpose or objectives of a Management Plan referred to in Condition 2 above, seek the approval of the Canterbury Regional Council RMA Monitoring and Compliance Manager for any necessary amendment to such plan.
- 5 The consent holder may review and revise any Management Plan at any time on the following terms:
  - (a) The review shall be undertaken in consultation with and be approved by the Canterbury Regional Council RMA Monitoring and Compliance Manager;
  - (b) The consent holder shall, in relation to any change to any Management Plan, consult with the same parties it is required to consult in relation to the preparation of the original Management Plan under these conditions of consent;
  - (c) Such review shall be necessary to give effect to the purpose or objectives of the Management Plan.
- 6 All Management Plans shall state the objective or objectives sought to be achieved by such plans.
- 7 The consent holder shall pay all actual and reasonable costs of the Canterbury Regional Council in connection with the review of all Management Plans, design statements and design specifications prior to their approval.

*Advice Note: Approval from the Canterbury Regional Council to be within 30 working days of receipt of each plan or plans.*

### **Community liaison group**

- 8 Within twelve months of the date of issue of these consents, the consent holder shall undertake an open public process to offer local residents and interested people, including representatives from the consent holder, the Canterbury Regional Council, and the contractors for the scheme the opportunity to be involved in a Community Liaison Group. The Community Liaison Group shall be chaired by an independent facilitator appointed by the consent holder in consultation with the Canterbury Regional Council.
- 9 In the event that it is not possible to establish such a group through no fault of the consent holder then such failure to do so shall not be a breach of these conditions.
- 10 The objectives of the Community Liaison Group shall be to:
  - (a) Build effective working relationships and mutual trust between the local community and the consent holder (including its contractors), especially during construction;
  - (b) Promote the free flow of information in all directions between the local community, the consent holder, the contractors, and the Canterbury Regional Council, in order to try to anticipate and resolve any potential issues before they arise;
  - (c) Participate in subsequent design and consent processes, including being consulted on detailed design of Stage 1 and Stage 2 water distribution and on Phase 2 consents;
  - (d) Evaluate the results of monitoring activities on a periodic basis;
  - (e) Oversee a Community Complaints Procedure, ensuring appropriate responses from the consent holder are forthcoming; and
  - (f) Recommend any changes to proposed mitigation measures that might be appropriate in light of the monitoring.

### **Complaints procedure**

- 11 Within twelve months of the date of issue of these consents, the consent holder shall establish and operate a Community Complaints Procedure as follows:
  - (a) The consent holder shall have a clearly nominated and publicly communicated contact person within its own organisation or within one of its local agents for receipt of, and attendance to, complaints during construction;
  - (b) The consent holder shall establish a 24-hour free phone number for the local community to call if they have any concerns or complaints regarding construction. The free phone number shall be advised to all residents within the area affected by scheme construction via post and shall be advertised in the local newspaper prior to the commencement of construction of the scheme and at regular periods during construction;
  - (c) The consent holder shall maintain a log of any complaint received, including the following: the date, time, complainant name and contact details, nature of the complaint including the cause and effect if known, and record action taken to address or mitigate the complaint;
  - (d) The consent holder shall respond to complaints as soon as is practicable but not later than 24 hours and shall log the action that it intends to take in response to the complaint;
  - (e) The consent holder shall communicate with the complainant about actions taken;
  - (f) The consent holder shall document any other longer term actions to be taken;
  - (g) The consent holder shall present an incident summary (i.e. (c) to (e) above) to the meetings of the Community Liaison Group (in the event it is established) for review; and
  - (h) The consent holder shall make the complaints and response log available to the Canterbury Regional Council RMA Monitoring and Compliance Manager on request.

### **Monitoring of Hurunui and Waitohi River Channel Geomorphology**

- 12 The consent holder will undertake a topographic survey of river cross sections at the below locations on a 5 yearly cycle and report the findings to the Canterbury Regional Council;
- a) 250 m downstream of Powers Rd Bridge (Waitohi River) N5255673 E1564159;
  - b) 250 m downstream of Waitohi Rd Bridge - Horsley Downs (Waitohi River) N5252660 E1571473;
  - c) 250 m downstream of Medbury Rd Bridge - SH7 (Waitohi River) N5252300 E1578899;
  - d) 500 m downstream of Intake 4 (Hurunui River) N5257407 E1553286;
  - e) 500 m downstream of Intake 3 (Hurunui River) N5261307 E1564486;
  - f) 500 m upstream Camp Road (Hurunui River) N5258320 E1571226 Adjacent to Duns Road (Hurunui River) N5254307 E1576439; and
  - g) 1.5 km downstream of SH7 (Hurunui River) N5254107 E1582453.
- *Advice Note: Particular regard shall be taken to record accumulation of fine sediments, sand and silts at river cross sections. Surveys shall be to standards consistent with those used by Canterbury Regional Council, and where practical, these surveys shall coincide with any being carried out by the Canterbury Regional Council.*

### **Braided River Birds**

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- 13 The Consent Holder shall establish an Environmental Management Trust (the Trust). The purpose of the Trust shall be to collect and administer funding for ecological management of the Waitohi and Hurunui Rivers, as set out in Conditions 14 to 17. The funding and work of the Trust is not to be applied to implementation of other ecological conditions and mitigations specifically required under these consents.
- 14 The Consent Holder shall contribute a sum of \$20,000 to settle the Trust within 12 months of the commencement of these consents. Thereafter the consent holder shall contribute \$15,000 per annum to the Trust until water is made available to 15500ha being Stage 1 of the scheme. Thereafter the consent holder shall contribute \$30,000 per annum, with at least \$20,000 being paid in cash and the remainder either paid in cash or through water users' in-kind contributions to achieving the Trust's objectives on the ground (examples of in-kind contributions being assistance with predator control, riverbed weed control, bird monitoring and riparian re-vegetation in locations not otherwise required under these consents).
- 15 The Trust shall prepare and submit to the Canterbury Regional Council for approval a Braided River Birds Monitoring and Management Plan (BRBMMP). The BRBMMP shall be submitted prior to the abstraction of water authorised under these consents and prior to commencing the surveys set out in Condition 17(b). The BRBMMP shall provide for the following objectives;
- (a) To maximise opportunities to protect and enhance braided river bird populations.
  - (b) To monitor populations of braided river birds in order to detect long-term changes in distribution and abundance.
- 16 To achieve the objectives set out in Condition 15, the BRBMMP shall include:
- (a) Timeframes and reporting requirements;
  - (b) Methods to monitor the abundance and distribution of black-fronted terns, pied oystercatchers, and black-billed gulls on the Hurunui River between the Mandamus River confluence and the Hurunui River mouth, and on the Waitohi River from and including the reservoirs to the confluence with the Hurunui River. Monitoring shall occur at least once within two years before exercising these consents, and once within two years after exercising these consents and thereafter at least once every five years. Bird monitoring shall include replicated counts within each year during which monitoring is undertaken;
  - (c) Methods to characterise and measure the suitability of habitat for braided river birds. These may include but not be limited to measurement of major habitat types and vegetative cover using aerial photography and measurement of river braiding (numbers and widths);

- (d) Methods to control introduced weeds species that invade bird habitat, including but not limited to European broom, gorse, tree lupin, willows, poplars, pines, and alders;
  - (e) A long-term weed control strategy that aims to maximise conservation benefits in relation to resources invested, including identification of opportunities for water users to contribute in-kind;
  - (f) Methods to collaborate with councils or gravel extractors, if opportunities arise, to use heavy machinery to ensure that important nesting islands remain surrounded by water during the breeding season;
  - (g) Methods to control southern black-backed gulls to reduce their numbers on the Hurunui River to less than 10% than present immediately prior to exercise of the these consents, and maintain numbers at or below this level; and
  - (h) Methods to record, and electronically store, audit and backup data gathered under these consents.
- 17 The BRBMMP shall be implemented by the Trust.
- 18 The Trust shall prepare and submit to the Canterbury Regional Council an annual report, reporting on the work undertaken and effectiveness of achieving the objectives of the BRBMMP, and make recommendations as necessary for an adaptive management approach to achieve the objectives set out in Condition 15. The Trust shall submit this annual report to the Canterbury Regional Council Attention RMA Monitoring and Compliance Manager by the 31 July each year.

*Advice Note: The consent holder is not expected to achieve total weed or southern black-backed gull control on the Hurunui River.*

#### **Archaeology**

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- 19 The consent holder shall erect display panels identifying the known historic heritage features of the area; the Upper Wagon Cut which is a road belonging to the 1860s, Leith's Black Hotel built circa 1865 and the Rabbit Fence constructed in the 1880s. These display panels are to feature these sites and describe the gold rush, the Waitohi Gorge settlement as well as the early pastoral history. These interpretative signs are to be erected alongside the road to the Lower Gorge that overlooks these features.
- 20 A survey of the Hurricane Gully inundation area shall be undertaken by a qualified archaeologist in consultation with the local Rununga prior to the filling of the reservoirs. The results of this survey shall be provided to the Historic Places Trust and the Canterbury Regional Council.
- 21 An exploratory excavation shall be undertaken of the area known as the Waitohi Gorge Settlement Area. An Excavation Management Plan shall be prepared in consultation with the Historic Places Trust.
- *Advice Note: An Archaeological Authority under the Historic Places Act 1993 will be required in respect of the exploration of the Waitohi Gorge Settlement Area, and the removal of the section of historic rabbit fence. If any evidence of heritage features is discovered within the inundation area as a result of the survey required at Conditions 20 and 21, a further Archaeological Authority will be required.*

#### **Accidental Discovery for areas not covered by an Archaeological Authority**

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- 22 This protocol shall cover archaeological sites, historic sites and historic buildings classified under the Historic Places Act 1993. Where appropriate, all contractors, project managers and stakeholders shall be inducted into the protocol and made aware of their individual responsibilities under the protocol.
- 23 In the event of any disturbance of kōiwi tangata (human bones) or taonga (treasured artefacts), the consent holder shall immediately:
- a) Advise the Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tūāhuriri, or their representative, and the Canterbury Regional Council of the disturbance; and
  - b) Cease earthmoving operations in the affected area until the area containing the kōiwi tangata or taonga has been clearly demarcated, and kaumatua and archaeologists have certified that it is appropriate for earthmoving to recommence.

- 24 In the event of accidental discovery of archaeological remains, the following steps shall be taken:
- a) All activity affecting the immediate area shall cease and the Regional Archaeologist of the New Zealand Historic Places Trust shall be contacted;
  - b) The site shall be secured to ensure that the remains are not further disturbed;
  - c) Further works affecting the remains will not commence until either:
    - (i) The Regional Archaeologist of the New Zealand Historic Places Trust has confirmed in writing that the archaeological provisions of the Historic Places Act 1993 do not apply or that the requirements of the archaeological provisions of the Historic Places Act 1993 have been met;
    - (ii) and, if required, an archaeological authority has been granted by the New Zealand Historic Places Trust.
- 25 If human remains (koiwi tangata) are located, in addition to the above steps, the runanga representative for the area and the New Zealand Police must be contacted.
- 26 The above protocol shall only be amended in consultation with the New Zealand Historic Places Trust (NZHPT), Te Rūnanga o Ngāi Tahu, Te Rūnanga o Kaikōura, and Te Rūnanga o Ngāi Tūāhuriri. Once finalised, copies shall be lodged with those parties and the Canterbury Regional Council prior to any construction commencing.

### **Recreation**

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- 27 A Recreation Management Committee shall be established by the consent holder. A representative of Whitewater NZ and/or Jet Boating New Zealand shall be on the Recreation Management Committee. The Recreation Management Committee shall be consulted in the development of the Recreation Management Plan under Condition 28.
- 28 A Recreation Management Plan shall be prepared and implemented to address the following issues:
- (a) The use of the reservoirs, and particularly the lower two, for recreational purposes;
  - (b) The development of cycle tracks.
  - (c) The cessation of takes for river boating provided for in consents CRC120687 and CRC120695.
  - (d) provision for replacement of reserves lost and mitigation of effects of the scheme on other reserves, and specifically replacement of the camping ground at the reserve located at Lake Sumner Bridge on the Waitohi River with one of a similar type and scale;
  - (e) mitigation for loss of angling amenity, including potential creation of fish spawning habitat, especially within the lower Waitohi;
  - (f) provision of river access points for recreational water users, especially access at Intakes 1A and 4.

*Advice Note: The extent to which river access can be provided pursuant to a Recreation Management Plan will depend to an extent on the ability of the consent holder to negotiate access with landowners.*

### **Flow monitoring**

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- 29 The consent holder may at its discretion install a water level recorder between the confluence of the North and South Branches of the Hurunui River and Intake 4. The exact location must be determined in consultation with the Canterbury Regional Council.

### Water level recorder

- 30 The water level recorder will enable the determination of the continuous rate of flow and volume of water in the Hurunui River.

- 31 The water level recorder shall, as far as is practicable, be installed at a site likely to retain a stable relationship between flow and water level. The water level recorder shall be installed in accordance with the manufacturer's instructions.
- 32 The flow at the shall be gauged at least every three months, and at any other time when required as determined by a site inspection, to be carried out at least once every month.
- 33 Gaugings and site inspections shall be carried out in accordance with the following manuals: Hydrologists Field Manual (NIWA 1991) and Procedure for Rating a Flow Station (NIWA 1993) or any equivalent publication.
- 34 The level of water in the Hurunui River shall be recorded by electronic means, at not greater than fifteen minute intervals in a tamper-proof recording device such as a data-logger, kept for that purpose and which is telemetered. The recorded data shall not be changed or deleted by any person. All data older than 12 months shall be archived in original format and provided to the Canterbury Regional Council upon request.
- 35 The measuring and recording devices described in Conditions 30 and 34 shall be available for inspection at all times by the Canterbury Regional Council
- 36 All data from the recording device described in Condition 34 and the corresponding relationship between the water level and flow, shall be provided to the Canterbury Regional Council on request, and shall be accessible and available for downloading at all times by the Canterbury Regional Council.

*Advice Note: This flow recorder could assist with the timing and magnitude of flushing flows and life cycle flows and the take from Intake 4 as detailed in consents CRC120687, CRC120695 and CRC120691.*

- 37 The water meter and recording device(s) shall be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.
- 38 All practicable measures shall be taken to ensure that the water meter and recording device(s) are fully functional at all times.
- 39 Within six months of the installation of a water level recorder under condition 31, and at five-yearly intervals thereafter, and at any one time when requested by Canterbury Regional Council, the consent holder shall provide a certificate to the Canterbury Regional Council signed by a suitably qualified and experienced person certifying the accuracy of the measuring and recording devices installed in accordance with Conditions 30 and 35, and also certifying that data can be readily accessed.

### **Reporting**

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- 40 An annual report shall be prepared and provided to the Canterbury Regional Council Attention RMA Monitoring and Compliance Manager by 31 July each year. This report shall include all reporting referred to in the conditions of consents CRC 120687, CRC120695, CRC120691, CRC120696, CRC120675, CRC120694, CRC122547 and CRC130467.

### **Costs**

- 41 Any costs arising from any Management Plans, restoration programmes, or condition under these resource consents shall be met by the consent holder.

### **Lapse Date**

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- 42 Pursuant to section 125 of the Resource Management Act 1991, if not given effect to these consents shall lapse on the following dates:
  - (a) The consents associated with Stage 1 of this consent shall lapse 5 years after the commencement of the consents, where Stage 1 means the irrigation of up to 15500ha. and "give effect to" means for Stage 1 the taking of water for the purpose of irrigation through any part of the Stage 1 infrastructure being Intakes 1A or 1B and reservoirs at Seven Hills, Inches Road, the Lower Gorge and on-plain storage; and

- (b) The consents (or parts thereof) associated with Stage 2 of this consent shall lapse 10 years after the commencement of the consents, where Stage 2 means the irrigation of up to 58,500 hectares as shown on attached **Plan HWP1**, and “give effect to” means for Stage 2 that construction of the Hurricane Gully dam has commenced. If Stage 2 has lapsed pursuant to this condition then the consents thereafter may only be exercised to the extent of conditions applying to Stage 1 of the proposal.
- 43 The Canterbury Regional Council (Attention: RMA Monitoring and Compliance Manager) shall be informed immediately on first exercise of this consent by the consent holder.

**Review**

- 44 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 dealing with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
- 45 The consent holder shall carry out the following assessments of their performance against the conditions of these consents within the time periods specified below:
- (a) At the time the design details for the reservoirs are lodged with the Canterbury Regional Council, the consent holder shall report whether the actual storage volume (either live or total storage) of any of the reservoirs differs by more than five percent from those volumes described in the AEE; and
  - (b) Upon completion of the further ecological surveys and studies required under the conditions of CRC120692, the consent holder shall report whether this work reveals taxon or taxa within any proposed dam or reservoir footprint of such conservation value that:
    - (i) the population or their habitat is deemed by an appropriately qualified expert to be of national significance; and/or
    - (ii) additional mitigation or offset measures are required to address the adverse ecological effects of the proposed inundation.
  - (c) Within six months of irrigation water first being made available to 15500 hectares of land (Stage 1), or within seven years after commencement of the consents, whichever is earlier, the consent holder shall assess the following matters:
    - (i) the appropriateness of the annual volume limit on water taken;
    - (ii) compliance with nitrogen and phosphorus limits;
    - (iii) review of mitigation and offsets provided for in the Ecological Plan; and
    - (iv) assessment of measures necessary to ensure compliance with limits applying to of Stage 2 of the scheme.
  - (d) Within six months of irrigation water first being made available to the next 18000 hectares of land after completion of Stage 1, OR within twelve years after commencement of the consents, whichever is earlier, consent holder shall assess the following matters:
    - (i) the appropriateness of the annual volume limit on water taken;
    - (ii) compliance with nitrogen and phosphorus limits;
    - (iii) review of mitigation and offsets provided for in the updated Ecological Plan; and
    - (iv) assessment of measures necessary to ensure compliance with limits applying to the remainder of Stage 2.

- (e) Within six months of irrigation water first being made available to 45000 hectares of land, or within eighteen years after commencement of the consents, whichever is earlier, the consent holder shall assess the following matters:
  - (i) the appropriateness of the annual volume limit on water taken;
  - (ii) compliance with nitrogen and phosphorus limits;
  - (iii) review of mitigation and offsets provided for in the updated Ecological Plan; and
  - (iv) assessment of measures necessary to ensure compliance with limits applying to the remainder of Stage 2.
  
- 46 Within six months of completing the assessments described in Condition 45, the consent holder shall report to the Canterbury Regional Council RMA Monitoring and Compliance Manager on the findings of those assessments and the measures proposed to be implemented to ensure effects on the environment are no more significant than under the original proposal:
  
- 47 Upon receipt of any of the review reports described in Condition 46, the Canterbury Regional Council shall review the conditions of the consents pursuant to Section 128(1) of the Resource Management Act 1991 for the purpose of avoiding, remedying, or mitigating any adverse effect on the environment arising from the review or any increased risk of future non-compliance with conditions of the consents.
  
- 48 Reviews under Condition 45 (c), (d) or (e) shall include consideration of whether the limit on the annual volume of water taken should be reduced, and whether the area to be irrigated under the proposal should be reduced in order to reasonably ensure compliance with the nutrient load limits of the consents.
  
- 51 In accordance with Section 127 of the Resource Management Act 1991 the consent holder may, no earlier than twelve months after the approval of the Management Plans required by Condition 2 above, apply to change or cancel any of the conditions of this consent.

*Advice Note: These conditions apply where specific review conditions have not otherwise been imposed.*

**Restrictions on taking C permit water**

- 1 Whenever the unmodified flow in the Hurunui River falls below the following flows (Y L/s), the taking of C permit water in terms of this consent shall cease:

<u>Month:</u>	<u>Flow (Y L/s):</u>
Jan	36,470
Feb	36,470
Mar	36,470
Apr	36,470
May	28,470
Jun	28,470
Jul	28,470
Aug	28,470
Sep	36,470
Oct	36,470
Nov	36,470
Dec	36,470

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• **Restrictions on taking B permit water**

- 2 Whenever the unmodified flow in the Hurunui River falls below the following flows (Y L/s), the taking of B permit water in terms of this consent shall cease:

<u>Month:</u>	<u>Flow (Y L/s):</u>
Jan	26,470
Feb	26,470
Mar	26,470
Apr	26,470
May	18,470
Jun	18,470
Jul	18,470
Aug	18,470
Sep	26,470
Oct	26,470
Nov	26,470
Dec	26,470

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• **Restrictions on taking A permit water**

- 3 Whenever the unmodified flow in the Hurunui River falls below the following flows (Y L/s), the taking of A permit water in terms of this consent shall cease:

<u>Month:</u>	<u>Flow (Y L/s):</u>
Jan	15,000
Feb	15,000
Mar	15,000
Apr	15,000
May	12,000
Jun	12,000
Jul	12,000
Aug	12,000
Sep	15,000
Oct	15,000
Nov	15,000
Dec	15,000