Form 1 – Application for Resource Consent

This application is made under Section 88 of the Resource Management Act 1991 (RMA).

The purpose of this Form 1 and the relevant activity form(s) is to provide applications with guidance on information that is required under the Resource Management Act 1991. Please note that these forms are to act as a guide only, and Otago Regional Council reserves the right to request additional information or to reject the application as incomplete under Section 88 of the RMA if the provisions of the fourth schedule of the RMA are not provided (refer to page 6 of this form, which details these requirements).

PLEASE NOTE: You must have Adobe Acrobat Reader installed onto your computer to use this editable version, which you can download for free from the Adobe website. This form cannot be filled in on your internet browser. REMEMBER to save the form to your computer after completing then attach and send via email along with the other relevant application forms/information to consents.applications@orc.govt.nz. The form can also be printed and completed manually.

1(a). Applicant's details:

- The full names or Company name or Trust (including full names of all Trustees) of the consent holder who will be responsible for the consent and any associated costs.
- A resource consent can only be held by a legal organisation or fully named individual(s). A legal organisation includes a registered limited company, incorporated group or registered trust. If the application is for a Trust, the full names of all Trustees are required. If the application is not for a limited company, incorporated group or rust, then you must use fully named individual(s).
- All invoices will be made out to and sent to the applicant.

Full name(s): Queenstown Lakes District Council
Attn: Andrew Hill

OR

Registered company:

OR

Trust (include all Trustees full names)

Postal address: Private Bag 50072
Queenstown Post code: 9348

and

Physical address: (not a PO Box number)
Post code:

Phone number: Business: 03 441 1692 Private:
Mobile: 021 575 758

Email address: andrew.hill@qldc.govt.nz

Please provide a valid and clear email address. Otago Regional Council has adopted a paperless consenting process – therefore any correspondence including decision documents and consent (if granted) will be sent via email, unless you request a paper copy.

Please tick if you do not prefer contact by electronic means ☐

1(b). Key contact for applicant details (if applicable):

Only complete if the applicant consists of multiple parties (e.g. multiple consent holders, Trust etc). Please outline who the key contact for the consent will be, if granted:

Full name: Andrew Hill (as above)

Phone number: Business: _____ Private: _____

Mobile: _____

Email address: _____

2. Consultant details (if applicable):

Contact person: Claire Perkins

Company: Landpro Ltd

Phone number: Mobile: 027 445 6897 Business: _____

Email address: claire@landpro.co.nz

3. Consents required in relation to this proposal:

Water

☐ Take surface water ☐ Take groundwater ■ Divert

☐ Dam

Discharge onto or into:

☐ Land ■ Water ☐ Air

Land use:

☐ Bore construction ☐ Bore alteration ☐ Disturbance of contaminated

■ Activities in or on beds of lakes or rivers or floodbanks

Coastal

☐ Activities in the coastal marine area (i.e. below mean high water spring tide)

Where you have indicated the type of consent that is required, you must complete the appropriate application form before your application can be processed. Application forms can be found on the Council's website: www.orc.govt.nz/consents/ready-to-apply-for-a-consent

4. For what purpose is/are the consent(s) required (e.g. gravel extraction, water for irrigation etc):

Undertake works in bed of Shotover River to create a new diversion channel

5. Location of proposed activity:

Address: Shotover River delta

Legal description(s): Sec 4 SO 409393

Map reference(s) (NZTM 2000): E 1266049 N 5007137

Please include location details on separate documentation if there are multiple sites or activities.

Note: Certificate(s) of Title less than three months old for the site to which this application relates are required.

6. Are there any current or expired Resource Consents relating to this proposal:

☒ Yes ☐ No

If yes, give consent number(s), description and expiry date(s):

RM13.217.01 - 03 were surrendered are now expired

(a) Do you agree to your current consent automatically being surrendered should a replacement consent be issued?

☐ Yes ☒ No

(b) Has there been a previous application for this activity that was returned as incomplete?

☐ Yes ☒ No

(c) Have you lodged a pre-application with Council for this activity?

☐ Yes ☒ No

(d) Have you spoken to a Council staff member about this application prior to lodging this application?

☐ Yes ☒ No

If yes, please state name of staff member: _____

7. What is the term of consent you are seeking and reason for this term:

5 years

8. Territorial Local Authority in which activity is situated:

☐ Dunedin City Council ☐ Clutha District Council ☐ Central Otago District Council

☒ Queenstown Lakes District Council ☐ Waitaki District Council

9. Do you require any other resource consent from any local authority for this activity:

☐ Yes ☒ No

If yes, please give the date applied for or issued:

10. For the land on which the activity occurs, is the applicant (tick one):
If the applicant does not own the land to which this application relates, unconditional written approval from the land owner/affected party will be required.

☐ The owner ☐ The lease holder ☐ The occupier

☐ Prospective purchaser QLDC is not the occupier as the land is riverbed managed by DOC

If the applicant is not the land owner, who is the owner of the land on which the activity occurs/is to occur:

Name of land owner: Department of Conservation

Phone number: Mobile: _____ Business: 0800 275 362

Email address: info@doc.govt.nz

11. Site visit from the Consents Team:

Consents staff are able to meet with you, visit your site and see what you are proposing to do. We find that this is beneficial to everyone involved. The cost of the visit will be included in the total cost of processing your consent. However, we find that applications that have an on-site visit are processed with less congestion and at a similar or lesser overall cost. Please let us know below if you would like us to come and see your site.

I would like a member of the Consents Team to visit my site:

☐ Yes ☒ No

12. Processing Officer:

Due to high workloads or the complex nature of your application, it could be assigned to a consultant processing officer. Having your application assigned to an external officer should not greatly affect the processing costs. However, if you would like your application to be assigned to an internal officer then please advise. This may mean that your application enters a waiting line to be allocated and may not be processed straight away. If this is the case we will ask for a timeframe extension to cover the waiting time. There may be situations where we cannot accommodate this request but will let you know why this is.

I would like my application to only be processed by an internal staff member:

☒ Yes ☐ No

13. How to pay:

A deposit **must** accompany this application (see **page 9** for amounts and ways to pay). The applicant will be invoiced for all costs incurred in processing this application that exceed the deposit.

If the required deposit does not accompany your application, staff will contact you on the email address provided on this form to request payment, and after 3 working days your application will returned as incomplete if no payment is made for the required deposit.

When paying online, please use the word '**Consent**' followed by the name of the applicant as a reference.

Method of payment: Please send through an invoice so QLDC can arrange payment

☐ Online bank transfer ☐ In person ☐ Credit card

Date of payment: To be paid following invoice

Amount paid: $3,400

Payment reference: _____

Please note: Your deposit may not cover the entire cost of processing your application. At the end of the application process you will be invoiced for any costs that exceed the deposit. Interim invoices may be sent out for applications, where appropriate. We will communicate processing costs to you at key stages through the process. If you would like this, then please let us know and we can see if this is an option for you.

If your application is returned to you, you will still be charged for the cost of processing the application up to the point it was returned or withdrawn. **Therefore, it is recommended that you have your application checked before it is lodged. This is a free service.**

Information regarding costs can be found via the following link:
www.orc.govt.nz/consents/ready-to-apply-for-a-consent/fees-and-charges

Checklist

Before signing the declaration below, in order to provide a complete application have you remembered to:

- [x] Fully complete this Form 1, including signed declaration
- [x] Completed the necessary application forms relating to the activity
  Application forms can be found on Council's website via the following link:
  www.orc.govt.nz/consents/ready-to-apply-for-a-consent
- [ ] Payment of the required deposit (see page 8 for fees schedule)
- [ ] Written approvals from all potentially affected parties
  "Written Approval of an Affected Party" forms are available from Councils website
- [x] An assessment of effects on the environment
- [x] An assessment against the relevant objectives, policies and rules from Regional Council Plans, Regional Policy Statement (including proposed and partially operative versions), and relevant Regulations, National Policy Statements, National Environmental Standards and iwi management plans
- [x] Site and location plans
- [ ] Certificate(s) of Title less than three months old for the site to which this application relates
  Certificates of Title can be obtained via the Land Information New Zealand website:
  www.linz.govt.nz

Declaration

I/we hereby certify that to the best of my/our knowledge and belief, the information given in this application is true and correct.

I/we undertake to pay all actual and reasonable application processing costs incurred by the Otago Regional Council.

Name(s): Claire Perkins

Signature(s):* Claire Perkins

Digitally signed by Claire Perkins
DN: cn=Claire Perkins c=NZ o=Landpro Ltd e=claire@landpro.co.nz
Reason: I am the author of this document
Location:
Date: 2025-03-19 08:49+13:00

(or person authorised to sign on behalf of applicant)

* **Ensure you use the "fill and sign" function of Adobe Acrobat when signing this form. Either draw your signature or add an image. Council cannot accept typed signatures.**

Designation: Consultant
(e.g. owner, manager, consultant)

Date: 10/04/25

Council can accept electronic lodgement of applications if sent to consents.applications@orc.govt.nz.

Alternatively, applications can be posted or delivered to:
Otago Regional Council
Private Bag 1954
70 Stafford Street
Dunedin 9054

Consultation

(consultation is not compulsory, but it can make a process easier and reduce costs)

Under Section 95E of the Resource Management Act 1991 (the Act), the Council will identify affected parties to an application and if the application is to be processed on a non-notified basis the unconditional written approval of affected parties will be required. Consultation with potentially affected parties and interested parties can be commenced prior to lodging the application.

Consultation may be required with the appropriate Tangata Whenua for the area. The address of the local Iwi office is: Aukaha, 258 Stuart Street, P O Box 446, Dunedin, Fax (03) 477-0072, Phone (03) 477-0071, Email info@aukaha.co.nz. If you are in the Clutha River area you may need to talk to Te Ao Marama Inc, Phone (03) 931 1242. If you require further advice, please contact the Otago Regional Council.

Good consultation practices include:

- Giving people sufficient information to understand your proposal and the likely effects it may have on them
- Allowing sufficient time for them to assess and respond to the information
- Considering and taking into account their responses

Written approval forms are available on Council's website.

Information Requirements

In order for any consent application to be processed efficiently in the minimum time and at minimum cost, it is critical that as much relevant information as possible is included with the application**.**

Resource Management Act 1991
FOURTH SCHEDULE – ASSESSMENT OF EFFECTS ON THE ENVIRONMENT
(Below are the provisions of the fourth schedule of the Act, which describes what must be in an application for resource consent, as amended in 2015)

1. Information must be specified in sufficient detail

Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2. Information required in all applications

(1) An application for a resource consent for an activity (the **activity**) must include the following:
- (a) a description of the activity; and
- (b) a description of the site at which the activity is to occur; and
- (c) the full name and address of each owner or occupier of the site; and
- (d) a description of any other activities that are part of the proposal to which the application relates; and
- (e) a description of any other resource consents required for the proposal to which the application relates; and
- (f) an assessment of the activity against the matters set out in Part 2; and
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b) *("document" includes regional and district plans, regulations*, *national policy statements, iwi plans*).

(2) The assessment under subclause (1)(g) must include an assessment of the activity against:
- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

(3) An application must also include an assessment of the activity's effects on the environment that:
- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

3. Additional information required in some applications

An application must also include any of the following that apply:

(1) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1))

(2) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A))

(3) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B).

4. (relates to subdivisions – *not included here as subdivisions are not within ORC's jurisdiction)*

5. Additional information required in application for reclamation

An application for a resource consent for reclamation must also include information to show the area to be reclaimed, including the following:

(1) the location of the area; and

(2) if practicable, the position of all new boundaries; and

(3) any part of the area to be set aside as an esplanade reserve or esplanade strip.

Assessment of environmental effects

6. Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:

(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity

(b) an assessment of the actual or potential effect on the environment of the activity

(c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use

(d) if the activity includes the discharge of any contaminant, a description of:

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment.

(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect

(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved

(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

(2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan

(3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not:

(a) oblige the applicant to consult any person; or

(b) create any ground for expecting that the applicant will consult any person.

7. Matters that must be addressed by assessment of environmental effects

(1) An assessment of the activity's effects on the environment must address the following matters:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects

(b) any physical effect on the locality, including any landscape and visual effects

(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations

(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

Set out below are details of the amounts payable for those activities to be funded by fees and charges, as authorised by s36(1) of the Resource Management Act 1991.

Resource Consent Application Fees (from 1 July 2020)

Note that the fees shown below are a **deposit** to be paid on lodgement of a consent application and applications for exemptions in respect of water metering devices. This deposit will not usually cover the full cost of processing the application, and further costs are incurred at the rate shown in the scale of charges. GST is included in all fees and charges.

If you wish to make a payment via internet banking, or online, the details are below. Please note the applicants name and 'consent application' should be used as reference when paying the deposit.

For ways to pay, visit: www.orc.govt.nz/consents/ready-to-apply-for-a-consent

Pre-Application Work
Fees payable for pre-application work carried out before a consent application is lodged with Council will be incurred at the rates shown in the scale of charges.

Publicly Notified Applications: [3]	**$**
First application	5,000.00

Non-Notified Applications and Limited Notification Applications: [3]	**$**
First application (except those below)	1,750
Multiple Applications [1]	2,300
Variation to Conditions – s127	1,750
Administrative Variation – s127	1,750

Fixed Fees	**$**
Exemptions from water metering regulations	400
Bores	600

Hearings	Per Note 2 below
Payment for Commissioner request – s100A	Per Note 4 below

Objections	
Payment for Commissioner request – s357AB	Per Note 4 below

Transfer of Consent Holder and Certificates Deposits:	**$**
Transfer of permits and consents	200
Priority Table	200
Section 417 Certificate	500
Certificate of Compliance	1,750
All Other Costs As per Scale of Charges	

Scale of Charges:	**$**
Staff time per hour:	
• Management	190
• Team Leader/Principle	170
• Senior Technical	135
• Technical	115
• Field staff	115
• Administration	85

Disbursements	Actual
Additional site notice	Actual
Advertisements	Actual
Vehicle use per kilometre	0.70
Travel and accommodation	Actual
Testing charges	Actual
Consultants	Actual
Commissioners	Actual
Photocopying and printing	Actual

Councillor Hearing fees per hour:	**$**
• Chairperson	$100
• Member	$80
• Expenses	Actual

Notes:

1. For additional permits in respect of the same site, activity, applicant, time of application, and closely related effect as the first application.

2. The deposit payable shall be 90% of the cost of a hearing as calculated by Council in accordance with information contained in the application file and using the scale of charges. The amount payable will be due at least 10 working days before the commencement of the hearing. If the amount is not paid by the due date, then the Council reserves the right under S36(7) of the Resource Management Act to stop processing the application. This may include cancellation of the hearing.

   Should a hearing be cancelled or postponed due to the non-payment of the charge, the applicant will be invoiced for any costs that arise from that cancellation or postponement.

   Following completion of the hearing process, any shortfall in the recovery of hearing costs will be invoiced, or any over recovery will be refunded to the applicant.

3. Where actual and reasonable costs are less than the deposit paid, a refund will be given.

4. Where an applicant requests under s100A (for a consent hearing) or under s357AB (for the hearing of an objection) an independent commissioner(s); the applicant will be required to pay any increase in cost of having the commissioner(s).

   Where a submitter(s) requests under s100A an independent commissioner(s) any increase in cost that is in addition to what the applicant would have paid shall be paid by the submitter. If there is more than one submitter who has made such request the costs shall be evenly shared.

Review of consent conditions

Following the granting of a consent, a subsequent review of consent conditions may be carried out at either the request of the consent holder, or as authorised under Section 128, as a requirement of Council. Costs incurred in undertaking reviews requested by the consent holder will be payable by the consent holder at the rates shown in the Scale of Charges above.

Reviews initiated by Council will not be charged to consent holders.

Compliance Monitoring Charges

Compliance charges may also be applied to any granted consent(s). These can be found via Council's website at: https://www.orc.govt.nz/media/8679/annual-plan-2020-21_digital.pdf

3 Application To Divert Water

Otago Regional Council

(For Office Use Only)

Consent No.: _____

Use this form for any activity which alters the natural flow of a watercourse.

Show the location of the diversion and adjoining properties on your map on Form 1. Include design plans.

Part A: General

1. Is the diversion: Existing ☐ or Proposed ☒

   If the diversion requires the alteration of the bed or banks of a watercourse, a Land Use Consent is also required. Use Application Schedule No. 10.

   If the diversion is in the coastal marine area a coastal permit to divert water is required. You can make the application on this form. A coastal permit to erect any structures and occupy the coastal marine area is required for a new diversion. Use Application Schedule No. 12.

2. Why are you diverting water (e.g., stormwater control, river works, stream realignment, etc)?

   To create a flowing braid past treated effluent disposal point

3. What is the name of the watercourse to be diverted? (If the stream is unnamed give the name of the watercourse it is a tributary of.)

   Shotover River

4. What is the rate at which water will be diverted? Not specified litres per second

   _____ cubic metres per day

   _____ cubic metres per week

5. Will the diversion be: Intermittent ☐ Or continuous ☒

   If intermittent, what will be the maximum operating period? _____ Hours per day

   _____ Days per week

   _____ Weeks per month

   _____ Months per year

6. Does the diversion also involve:

Taking water?	Yes ☐	No ☐
Damming water?	Yes ☐	No ☐
Discharging?	Yes ☒	No ☐
Any structures?	Yes ☐	No ☐

If you answered "Yes" to any of 6. above, another schedule to this consent application may be required.

Part B: Assessment of Effects on the Environment

		Yes	No	Not Known
1.	Will the diversion have an effect on water availability to downstream users and/or affect access to neighbouring properties?	☐	☒	☐
2.	Within a reasonable distance up or downstream of the diversion are there any :			
	(i) Obvious signs of fish, eels, insect life, aquatic plants, etc?	☒	☐	☐
	(ii) Wetlands (e.g., swamp areas)?	☐	☒	☐
	(iii) Waste discharges (e.g., rural, industrial sewage, etc)?	☒	☐	☐
	(iv) Recreational activities carried out (e.g., swimming, fishing, canoeing?)	☒	☐	☐
	(v) Areas of particular aesthetic or scientific value (e.g., scenic waterfall, rapids, archaeological sites)?	☒	☐	☐
	(vi) Areas or aspects of significance to Iwi?	☐	☐	☒

If you have answered "Yes" to any of the above, describe what effects your diversion may have and the steps you propose to take to mitigate these. If the adverse effect is significant describe alternative locations or methods you have considered for undertaking the diversion.

Please see attached AEE for detailed assessment

(Continue on a separate page if necessary)

3. Describe the bed of the watercourse in the vicinity of the diversion site (e.g., is it gravelly, muddy or sandy?).

Gravel based river - please see attached AEE for more detailed description

Part B: Assessment of Effects on the Environment (Contd.)

	Yes	No	Not Known
4. Will the diversion cause any flooding or other problems to neighbouring properties?	☐	☒	☐

Please describe: Please see attached AEE

5. Please attach your calculations which show that the diversion design is adequate, including design flood flows, return periods, etc.

6. Have you discussed your diversion with any potentially affected parties, eg.	Yes	No
Neighbours	☐	☒
Water users	☐	☒
Fish and Game Council	☐	☒
Department of Conservation	☒	☐
Others (specify) _____	☐	☐

7. Are there any alternative sites or methods for the diversion? If yes, why have you not chosen any of these?

No alternatives available

8. Describe any other effects which may arise from the activity which are not referred to elsewhere in this schedule, and describe the means by which those effects will be avoided or mitigated.

Please see attached AEE

7 Application To Discharge Water or Contaminants to Water

Otago Regional Council

(For Office Use Only)
Consent No.: _____

This application form should be used for all discharges to water, e.g. to rivers, lakes, ocean, harbours, etc.

Show the location of the discharge on your map on Form 1. Include design plans and details with this application.

Part A: General

1. What is the discharge: Water ☐ or contaminant ☒

   (A contaminant is any substance or water which is likely to change the natural state of the water into which it is discharged in any way.)

2. What is the source of the water or contaminant (eg. Sewage treatment, industry, sewage pumping station, water treatment, rural activity)?

   The discharge will be water that may contain sediment from within the riverbed itself as a result of the diversion activitiess

3. Describe the contaminant: Sediment

   including, where appropriate:
   Temperature: _____ °C pH: _____ Suspended solids: _____ g/m^3
   BOD_5: _____ g/m^3 Faecal coliforms: _____ cfu/100mls

   The chemical content, including heavy metals or toxic substances, nitrates, ammonia and dissolved reactive phosphorous and their toxicity to the receiving water / environment.

4. Is the contaminant treated in any way before being discharged? Yes ☐ No ☒

   If yes, describe treatment _____

5. What is the name of the water body into which the discharge is made (e.g. name of river, lake, bay, harbour, ocean, etc) and what is the map reference in NZTM 2000 at the discharge point?

   Shotover River

   NZTM 2000: E 1266049 N 5007137

Part A: General (contd.)

6. **Discharge Rate Information:**

Maximum flow rate: Not specified litres per second

Maximum flow: _____ cubic metres per day

or _____ cubic metres per week

For sewage discharges:

Average dry weather flow: _____ litres per second

Peak flow: _____ litres per second

Daily peak flow: _____ cubic metres per day

Peak wet weather flow: _____ litres per second

Is the discharge: continuous ☐ or intermittent ☒

What will be the maximum discharging period? 12 hours per day

No specified but likely to only be a few hours _____ days per week

_____ weeks per month

_____ months per year

7. Does the discharge also involve:

Outlet structure?	Yes	☐	No	☒
Diversion?	Yes	☒	No	☐
Discharge to air?	Yes	☐	No	☒

If you answered "Yes" to any of 7. above, another schedule to this consent application may be required.

Part B: Assessment of Effects on the Environment

1. Comment on the possible effects the discharge may have on the quality of the receiving water and any downstream users:

Please see attached AEE

2. In the vicinity of the discharge or within a reasonable distance downstream are there any:

		Yes	No	Not Known
(i)	Obvious signs of fish, eels, insect life, aquatic plants, etc?	☒	☐	☐
(ii)	Wetlands (e.g., swamp areas)?	☐	☒	☐
(iii)	Waste discharges (e.g., rural, industrial sewage, etc)?	☒	☐	☐
(iv)	Recreational activities carried out (e.g., swimming, fishing, canoeing?)	☒	☐	☐
(v)	Areas of particular aesthetic or scientific value (e.g., scenic waterfall, rapids, archaeological sites)?	☒	☐	☐
(vi)	Areas or aspects of significance to Iwi?	☐	☐	☒

Part B: Assessment of Effects on the Environment (Contd.)

If you have answered yes to any of 2. above, describe what effects your discharge may have and the steps you propose to take to mitigate these.

Please see attached AEE

(Continue on a separate page if necessary)

3. What alternative methods of disposal or discharge locations have you considered?

No alternatives available

4. Why did you choose the proposed method of disposal and location point?

Required to facilitate downstream treated effluent discharge

5. How will the equipment controlling the discharge be operated and maintained to prevent equipment failure, and what measures will be implemented to ensure that the effects of any malfunction are remedied?

Please see attached AEE - mitigation conditions proposed

6. What, if any, monitoring do you propose to carry out to ensure that the discharge does not have any adverse effect?

Please see attached AEE

Resource Consent Application to Otago Regional Council for Earthworks and Diversion within the Shotover Riverbed

Prepared for

Queenstown Lakes District Council

Prepared For

Queenstown Lakes District Council

Prepared By

Landpro Ltd
13 Pinot Noir Drive
PO Box 302
Cromwell
Tel +64 3 445 9905

QUALITY INFORMATION

Date:	10 April 2025
Prepared by:	Claire Perkins
Reviewed by:	Andrew Hill
Version Number:	Final

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LIST OF APPENDICES

Appendix A: Water Quality Baseline Snapshot for Queenstown Wastewater Treatment Plan and Surrounds

1. INTRODUCTION

1.1 Overview of Proposal

Queenstown Lakes District Council (QLDC; the applicant) is seeking authorisation from Otago Regional Council (ORC) to undertake works within the bed of the Shotover River. These proposed works are to facilitate the conveyance of discharge of treated effluent from the Shotover Wastewater Treatment Plant (WWTP) into an actively flowing river channel. This application is only for these enabling works, *not* the discharge of wastewater.

QLDC have recently undertaken emergency works (under s330 and 330A of the Resource Management Act (RMA)) to address unacceptable risks to aircraft from ponded water within and outside of the existing disposal field as a result of increased waterfowl presence. This has resulted in the discharge of treated wastewater through the historic discharge channel to the Shotover River that was last used in 2019.

Since the discharge channel was last used, the Shotover River has naturally aggraded at the location of the outfall, and the main braid has shifted more towards the east. Channel movement frequently occurs in braided rivers and works are now required to maintain a flowing braid past the outfall to improve the available mixing.

This application relates solely to the proposed river bed works and a separate application will be made for the discharge and any other associated retrospective activities at a later date in accordance with the timeframes in RMA s330A.

The Otago Regional Council (ORC) has statutory jurisdiction for the effects of the proposed activity. The proposal requires resource consents as discretionary activities under the Regional Plan: Water for Otago (RPW).

1.2 Purpose of Documentation

Under Section 88 of the Resource Management Act 1991 (the RMA), this report provides an assessment of the activity's effects on the environment as required by Schedule 4 of the RMA.

2. THE PROPOSAL

2.1 Background

QLDC operates the Shotover WWTP under a suite of consents, with the discharge of effluent authorised via consents RM13.215.03.V2 and 2008.238.V2. Upgrades to the WWTP are currently underway, in order to improve the quality of the effluent being discharged and provide for future growth capacity in the treatment system through to 2048.

The location of the current treatment infrastructure, including the Dose and Drain (DAD) disposal field, is shown in the below figure.

Figure 1: Shotover WWTP location and existing infrastructure (yellow highlight indicates QLDC owned land)

The disposal field, which was constructed in 2018, cannot cope with either the current or future projected increase in discharge volumes from the WWTP. The condition and capacity of the disposal field has been steadily declining, meaning the field no longer operates as designed and permanent surface water ponding is present throughout the field and regular surface water flows have breached the southern field limits and ponded in the wider delta area outside the fenced field area.

The ponding presents a risk to the environment, the public, and, specifically, to air traffic from the adjacent airport, as the ponded water is encouraging increased waterfowl activity below the end of the airport

runway.

In order to drain the disposal field and enable further investigations for appropriate alternative discharge from the WWTP, QLDC has enacted emergency works under s330 of the RMA. These works involve the temporary discharge of treated wastewater from the WWTP to the Shotover River.

The discharge of treated effluent to the Shotover River began occurring via a previously-consented discharge channel on 31 March 2025. This channel flows from the UV treatment facility located adjacent to the southernmost oxidation pond in a southwesterly direction to the Shotover River. Since the previous consented discharge to water occurred, however, the true right channel of the Shotover River has shifted away from the discharge outlet, meaning some of the river needs to be diverted back past the outlet to ensure adequate dilution via mixing.

These diversion works are urgently needed, as the emergency discharge has already started.

2.2 Relevant resource consents

The following current or expired consents, issued by ORC and held by QLDC, relate to the wider Shotover WWTP operations. Now expired consents RM13.317.010, RM13.317.02 and RM13.317.03 related to similar works that took place when the discharge was last being directed through the discharge channel to the Shotover River. However, there are no current consents in place that relate to these proposed river works.

Table 1: ORC consents granted to QLDC for Shotover WWTP-related activities

Consent no.	Purpose	Status
2008.238.V2	To discharge treated wastewater to land for the purpose of operating the Queenstown Wastewater Treatment and Disposal System.	Expires 18/3/2044
RM13.215.03.V2	To discharge treated wastewater to land for the purpose of operating the Queenstown waste water treatment plant	Expires 31/12/2031
2008.242.V1	To place a structure on the bed of the Shotover River for the purpose of constructing a low pressure effluent dosing system.	Expires 02/12/2030
2008.243.V1	To disturb the bed of the Shotover River for the purpose of gravel and vegetation removal, depositing gravel as well as constructing a low pressure effluent dosing system	Expires 02/12/2030
2008.241	To disturb the bed of the Shotover River for the purpose of removing and depositing gravel. Specific location for works: True right side of the Shotover River Delta, approximately 1.1 kilometres south east of the intersection of Glenda Drive and Margaret Place	Expires 02/12/2030
RM13.215.01	To discharge contaminants to air for the purpose of operating the	Expires

Consent no.	Purpose	Status
	Queenstown waste water treatment plant	18/03/2044
RM25.123.01	To drill 11 wells for the purpose of groundwater investigation and monitoring	Expires 21/03/2028
RM23.501.01	To discharge leachate to land in a manner that may enter water for the purpose of repurposing and permanently storing sludge solids	Expires 03/08/2038
RM13.215.02	To discharge up to 15,900 m3/day of treated wastewater to water at a rate of up to 352 L/s	Expired 28/02/2017
RM13.215.04	To discharge up to 17,000 m3/day of treated wastewater to water at a rate of up to 415 L/s	Expired 31/12/2022
RM13.317.01	To divert the flow of the Shotover River for the purpose of maintaining a discharge channel from the Shotover Waste Water Treatment Plant.	Expired 01/01/2022
RM13.317.02	Land use consent to disturb the bed of a watercourse for the purpose of maintaining a wastewater discharge channel.	Expired 01/01/2022
RM13.317.03	To discharge silt and sediment to water for the purpose of maintaining a WWTP outfall channel.	Expired 01/01/2022

2.3 Proposal

QLDC is seeking the following authorisations from ORC:

- Water permit (s14 RMA) to divert the flow of the Shotover River initially and on an as-needed basis to ensure that the discharge of Shotover WWTP effluent is always to sufficiently flowing water;
- Land use consent (s13 RMA) to disturb the bed of the Shotover River for the purpose of creating and maintaining a flowing river channel past the outlet discharge point; and
- Discharge consent (s15 RMA) for the remobilisation of bed material from the Shotover River, in association with the diversion works.

The proposed diversion works, access to the river bed for the works, and outlet channel from the WWTP are shown in the following figures.

Note that, due to the highly dynamic nature of the riverbed, the applicant is proposing a zone within which diversion works can occur. This will enable QLDC to undertake the works necessary to form and maintain a suitable diversion channel as the riverbed morphology changes over time. It is important to understand that the diversion channel will not occupy the full area of the area shown, however there may be some channel alignment adjustments within this area.

Figure 2: Discharge channel, proposed riverbed access and indicative proposed diversion channel works area. Note: imagery date is June 2024, with riverbed changes observed since then. (Source: Google Earth)

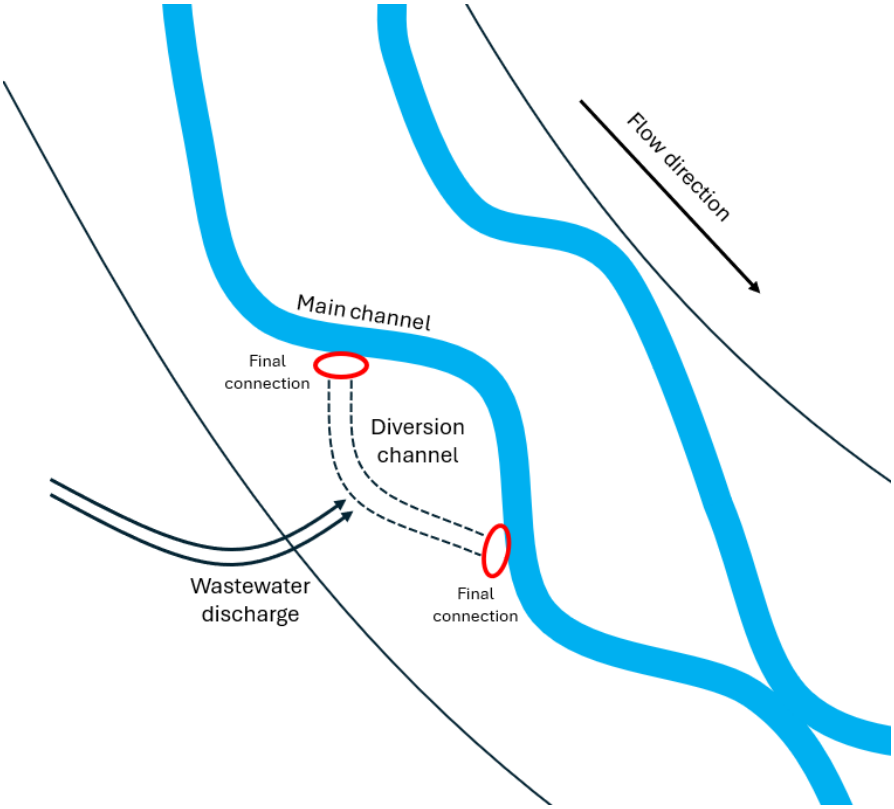

Figure 3: Schematic of proposed diversion works

An indicative cross-section of the work is shown in Figure 4 below. This is consistent with the dimensions of previous works undertaken under former consents RM13.317.01, RM13.317.02 and RM13.317.03.

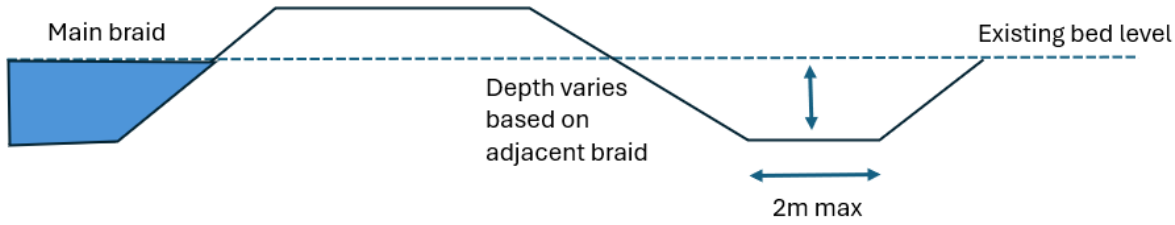

Figure 4: Example cross-section of diversion channel

The anticipated length of diversion channel required is approximately 200-300 m, with the volume of disturbed material estimated to be up to 1,000 m3 for the initial works (assuming 2m width and 1m depth of excavation over 300 m length, with some additional battering back of the margins of the channel), however this volume will vary depending on site specifics. The quantity of earthworks for any ongoing maintenance or recreation of this channel is unknown as it will depend on movement of gravel within the river following any significant flood events, however it is likely to be of lesser volume than the initial excavation.

The applicant is seeking an expiry date of 31 December 2030 on the required resource consents, to align with the date by which a new long-term disposal solution will be operational and allow for ongoing

maintenance works until that point.

2.3.1 Diversion methodology and frequency

Diversion works will most likely be undertaken by an excavator, with most of the diversion channel being formed in the dry riverbed area shown as “Diversion channel” in Figure 3 above. The channel will be formed by scraping back the dry or damp river gravels to form a suitable depth and width, with the excavated material re-contoured beyond the channel back to existing ground level. Once this is completed, a brief period of excavation would be required to connect the new channel to the main stem, and if necessary to the downstream continuation of the channel ("Final connection" in Figure 3). This connection process is likely to take 15-30 minutes at each cut with no vehicle ingress to the water required (i.e. bucket only).

An example of how this may look in practice in a braided gravel riverbed is illustrated in Figures 5 and 6.

Figure 5: Example of works to create a diversion channel in Ashley River showing digger making final connection for a channel excavated in the dry riverbed (Source: Application CRC241485)

Figure 6: Example of works to create a diversion channel in Ashley River showing 10 minutes after the final cut was made (Source: Application CRC241485)

It is not proposed that the excavated gravels will be removed from site; rather, they will be left in-situ, adjacent to the excavated channel and re-contoured to tie in with the surrounding gravel area. The applicant is open to discussing removal of the excavated gravels from the riverbed if considered beneficial, however.

The diversion channel will be excavated to a depth similar to that of the main braid it connects into.

Following works, the site will be monitored for two hours to ensure that the channel has stabilised and is functioning as intended. The site will also be monitored to ensure the channel is properly connected and that deposited gravel is in keeping with the natural channel. After 24 hours the site will be assessed to ensure that the channel has stabilised and no ongoing adverse effects are occurring (e.g. sediment discharges and erosion).

Access to the diversion site will be via the riverbed adjacent to the wastewater discharge channel, as identified in Figure 2, above. This would utilise an existing access point upstream of the discharge outfall, and minimise bed disturbance to the extent practicable, noting that machinery may need to drive through actively flowing water to reach the diversion site at times, but this is not initially anticipated based on the current braid pattern in the riverbed.

Ongoing maintenance

After the initial diversion works have been undertaken, the frequency of follow-up diversion works is unknown. This will be dictated by the natural shifting of the Shotover River channels, but is more likely to be required following flooding or storm events, or as a result of morphological changes following upstream gravel extraction activities by others. To give some idea of the potential frequency, between 2000 and 2013 there were 4 recorded instances of diversion works taking place to enable continued operation of the discharge outlet[1].

As noted above, the quantity of earthworks for any ongoing maintenance or recreation of this channel is unknown as it will depend on movement of gravel within the river following any significant flood events, however it is likely to be of lesser volume than the initial excavation.

3. Description of existing environment

3.1 Location and site description

The Shotover WWTP is located on the Shotover River delta, to the south of the State Highway 6 bridge over the Shotover River. The legal description of land at the discharge channel outlet and the proposed river diversion area is Section 4 SO 409393: Crown Land designated for conservation purposes under Section 62(1) of the Conservation Act 1987 (refer Figure 7 below for map showing land ownership).

[1] RM13.317 application AEE

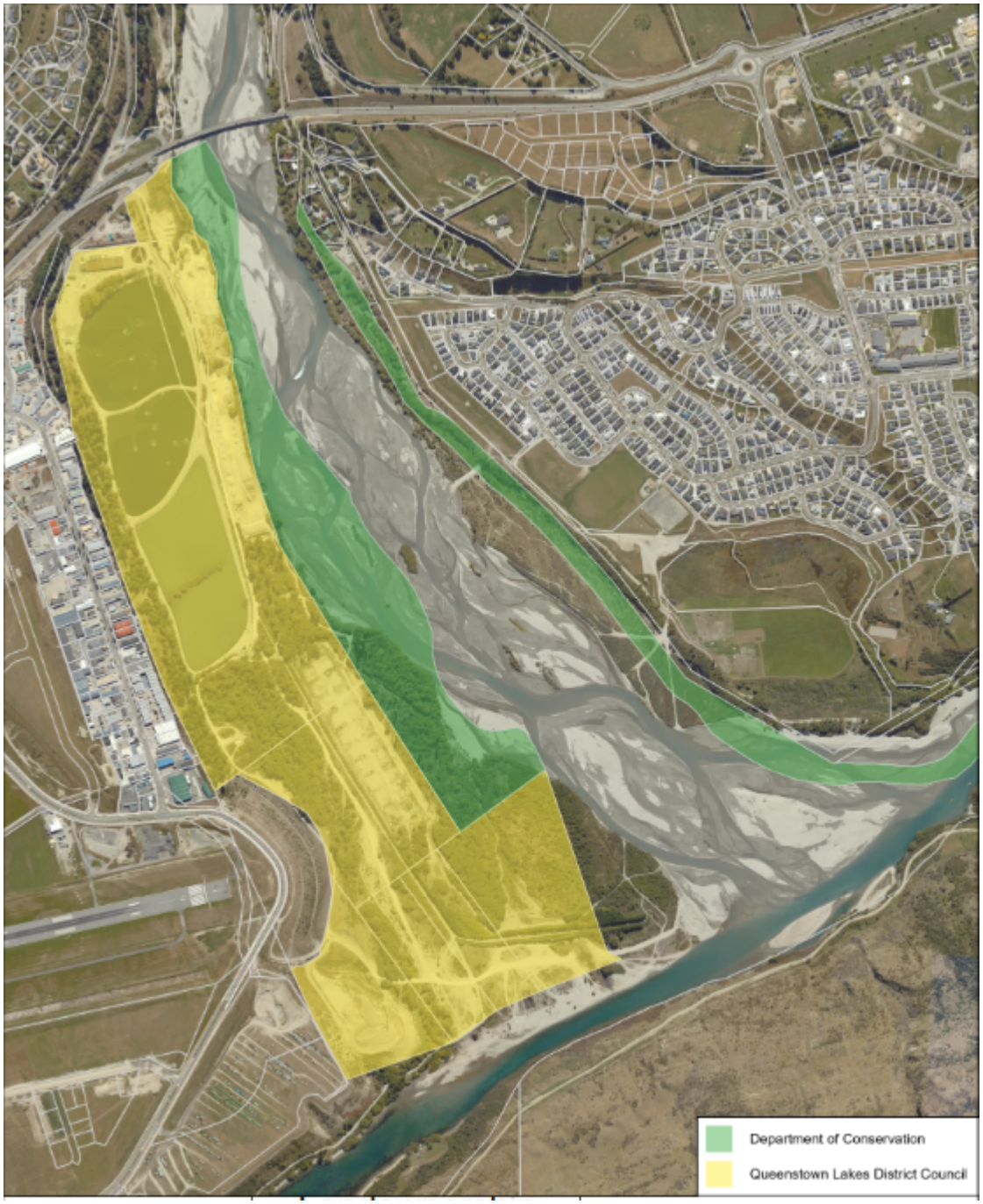

Figure 7: Land ownership/administration within the Shotover River delta and adjacent WWTP area. Unmarked riverbed between the DOC land parcels is crown-owned riverbed managed by LINZ

The WWTP is located on the true right bank of the Shotover River, below and to the east of the Frankton flats. The topography is generally flat, with most of the area surrounding the discharge channel vegetated with predominantly exotic species, including willow, poplar and sumac. Riverbed vegetation in the direct vicinity of the discharge channel outlet and to the south of the proposed diversion zone largely consists of willow (Figure 8). The riverbed north, east and south of the discharge outlet is largely free of vegetation and comprised of fluvial gravels, as shown in Figures 9-11.

Figure 8: Vegetation at channel outlet (Source: GHD)

Figure 9: True right of the Shotover River, facing north towards approx. upper section of proposed diversion area

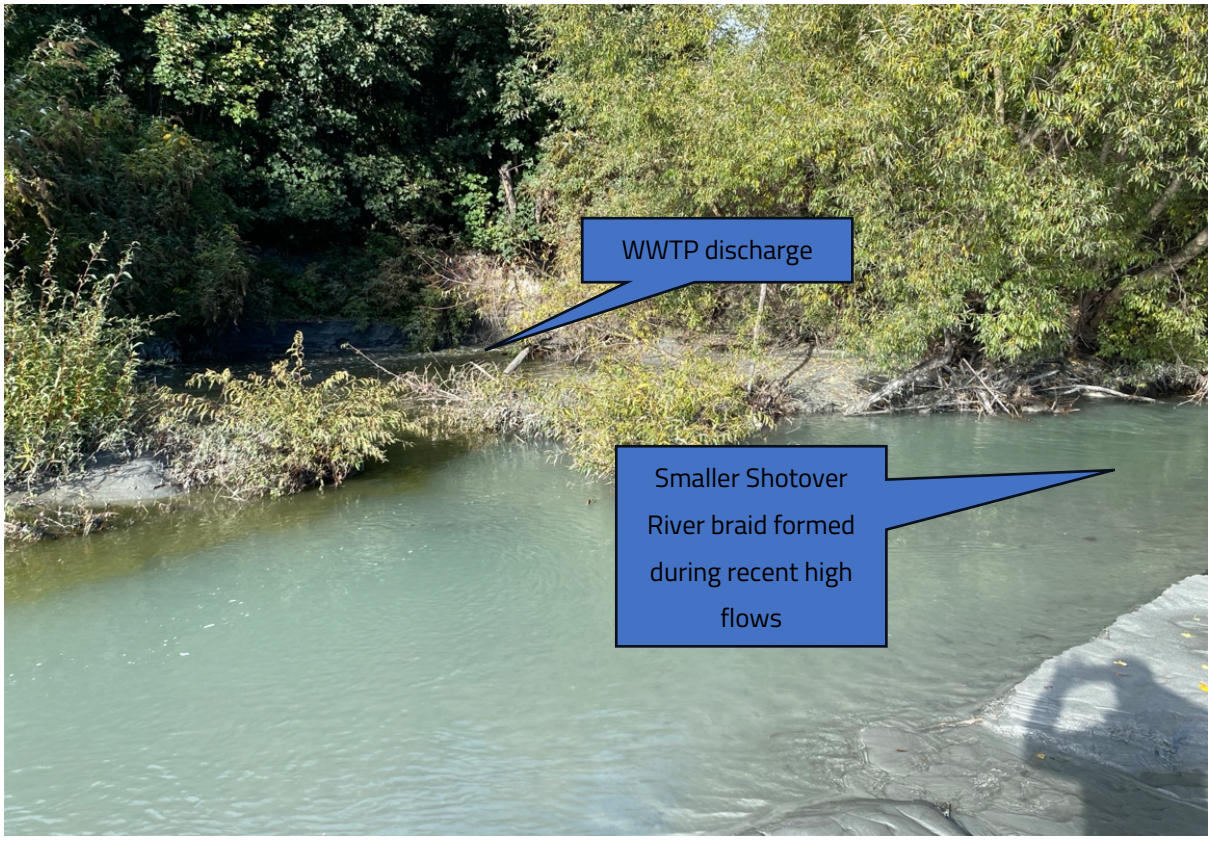

Figure 10: Facing WWTP discharge to Shotover River

Figure 11: Approx lower section of proposed diversion zone

3.2 Fluvial geomorphology

The subject area lies within a relatively unusual type of river delta, whereby deltaic sediments are deposited at the confluence of two rivers, rather than at the margin of a lake or the ocean. The Shotover River converges with the larger Kawarau River at a 90 degree angle, and during high flows the Shotover River can restrict the downstream flow of the Kawarau River, increasing the risk of flooding around the Lake Whakatipu shoreline. During these events, the delta acts as a floodplain, causing significant sediment deposits in the delta and often resulting in natural re-routing of the braided river channels.

In an attempt to address this flood risk to upstream communities, ORC have constructed a "training line" (an engineered rock wall) which is designed to "guide" the flow of the Shotover River in such a way as to reduce the flow restriction effect on the Kawarau River during high flow events (Figure 12).

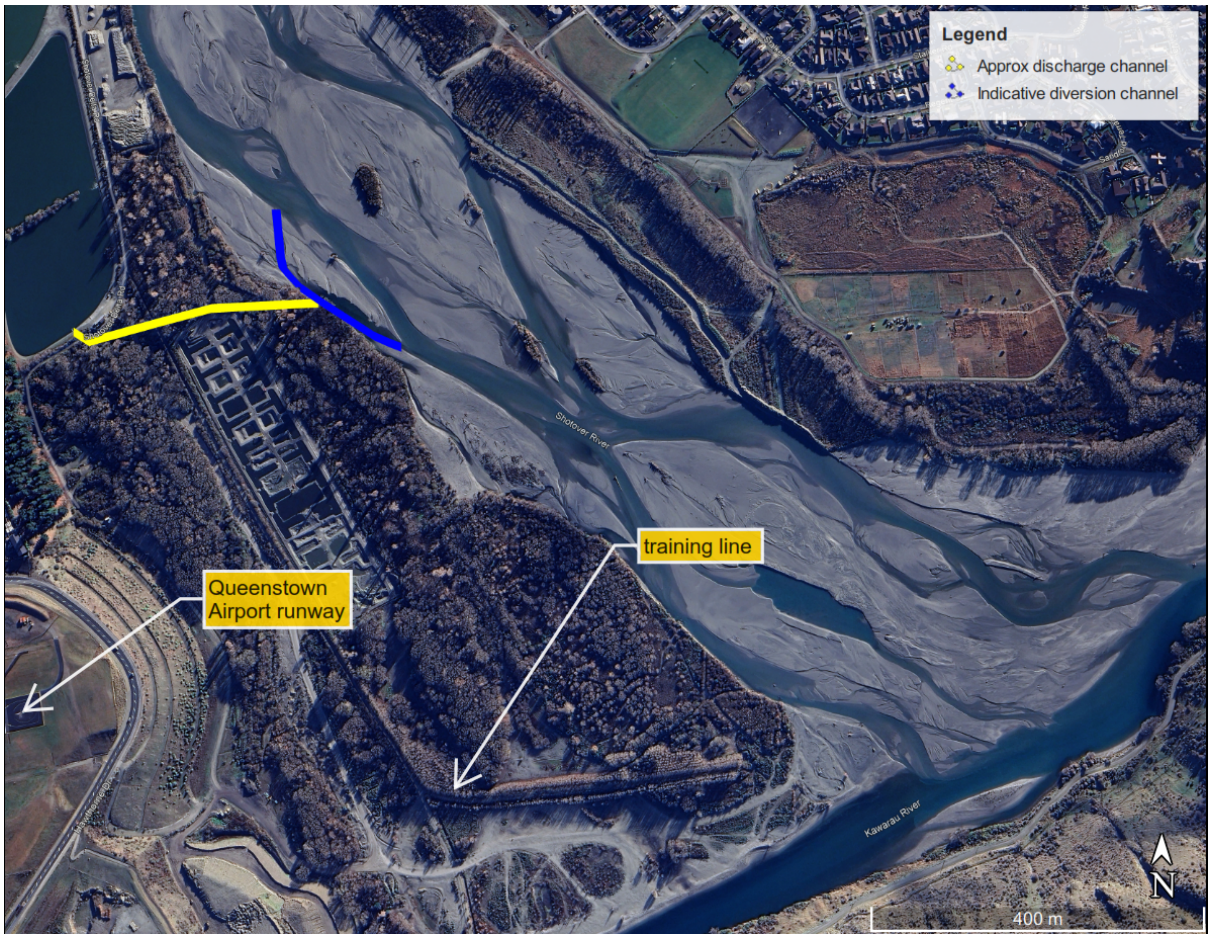

Figure 12: Site location and surrounding area, including Kawarau River confluence and ORC training line (Source: Google Earth)

3.3 Hydrogeology

The water table on the right side of the Shotover River delta is relatively shallow, with water levels observed in test pits during previous investigations indicating groundwater levels at approximately 0.5 to 1.0 m below ground level[2].

3.4 Surface water hydrology and water quality

The site is located adjacent to/on the true right side of the Shotover River. The current treated effluent discharge channel outlet is approximately 1 km upstream from the confluence of the Shotover and Kawarau Rivers, with the diversion channel to be located approximately 200m upstream from this.

NIWA maintains a flow and water quality monitoring site on the Shotover River at Bowens Peak, approximately 7.5 km upstream from the discharge outlet to the river. Given the distance between the two sites, NIWA's NZ River Maps modelling has been used to establish key statistics for the Shotover River in the vicinity of the discharge. According to River Maps, the modelled mean flow for the Shotover at this location is 56.6 m^3/s, and the mean annual low flow (MALF) is 18.1 m^3/s.

The lower Shotover River in the vicinity of the Shotover WWTP is characterised by two key river channels; however as a braided river with a very high sediment load, more channels can and do form over time. The high mobility of the wetted riverbed is key reason for the need to construct and occasionally reconstruct a diversion channel past the discharge outlet; while historically a main channel flowed past the outlet, this is no longer the case. The below photo shows the main braid that flows nearest to the Shotover WWTP discharge.

[2] RM13.317 application AEE

Figure 13: Shotover River roughly adjacent to the discharge site

The high flood frequency of the river results in a highly disturbed river habitat, with relatively little vegetation establishment in the dry bed areas of the river.

According to LAWA, Shotover River water quality at the Bowens Peak site is excellent, other than high turbidity due to glacial melt. Monitored parameters are in the best 25% of all sites except in the case of clarity (worst 25% of all sites) and total phosphorus (worst 50% of all sites). LAWA also includes biological indicators of water quality. This data suggests that macroinvertebrate communities are a mix of taxa both sensitive and insensitive to organic pollution and nutrient enrichment.

Historic biological monitoring in the river has been undertaken as part of the Shotover WWTP's consent monitoring programme, in 2013, 2015 and 2016. The 2013 monitoring showed 'fair' to 'excellent' water quality and/or habitat quality at the monitoring sites downstream from the discharge outlet, with overall stream community health described as 'good' to 'excellent' via QMCI scores. This result was largely reflected it the 2015 monitoring round, while the 2016 investigation concluded that the dynamic nature of the Shotover's riverbed had a larger impact on benthic communities than the WWTP discharge did.

Further details relating to the Shotover and Kawarau Rivers can be found in the *Water Quality Baseline Snapshot for Queenstown Wastewater Treatment Plan and Surrounds*, attached as Appendix A.

3.5 Ecology

3.5.1 Terrestrial ecology

There is no recent information available with regards to terrestrial ecology, however the following photos have been taken of the proposed river diversion alignment and disturbance area. The photos show that there are no obvious visible signs of terrestrial ecology within this proposed riverbed disturbance area.

Figure 14: Upper diversion area

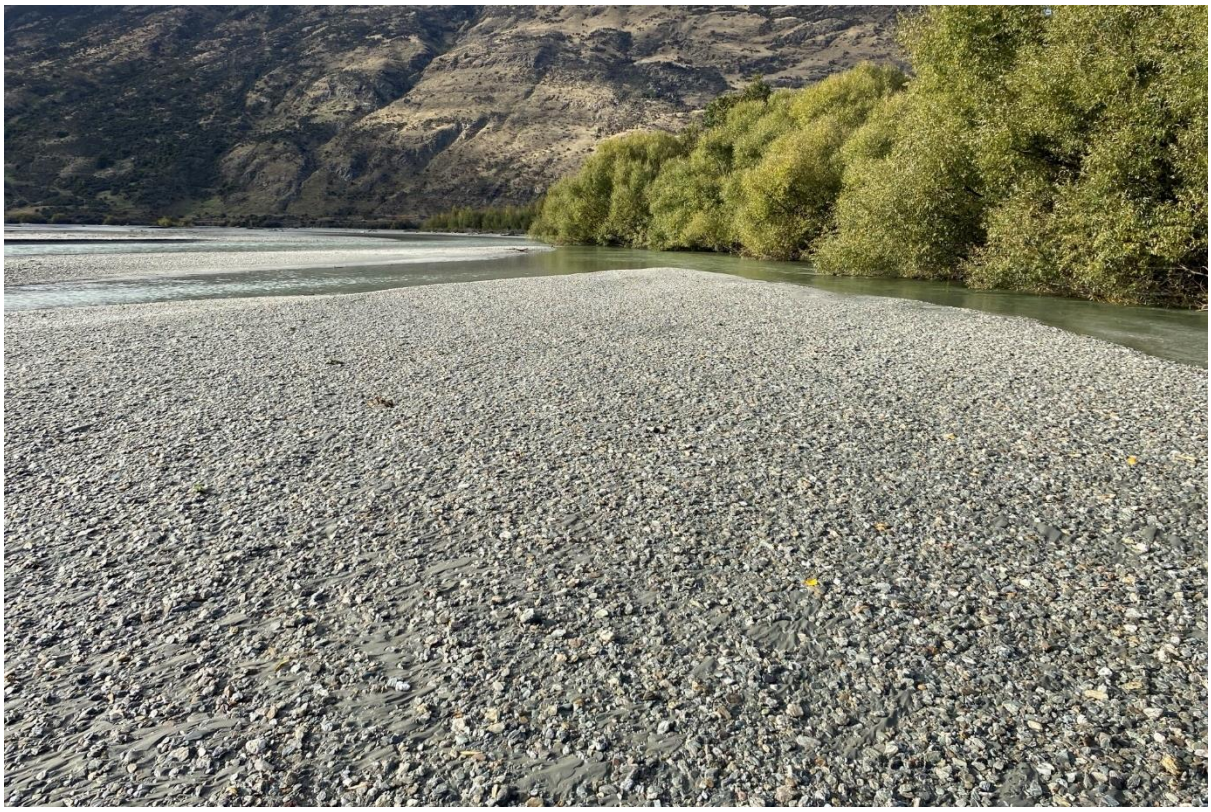

Figure 15: Lower diversion area

Despite the lack of terrestrial ecology information available for the site, braided river systems are well documented as habitats for a range of indigenous bird species. For example, an ecological investigation[3] of the Rees River as part of a gravel extraction application observed the following indigenous bird species on or near the river bed:

- New Zealand pipit
- Black shag
- Paradise shelduck
- Southern black backed gull
- Little shag

In addition, the report also stated that the following species are likely to use the Rees River at different times of the year:

- Black-billed gull
- Black-fronted tern
- Wrybill
- Banded dotterel
- South Island pied oystercatcher

Additionally, as presented in Section 3.8 below, it is noted that the Shotover River is listed in RPW Schedule 1 as providing habitat for significant range of indigenous waterfowl, including those threatened with extinction. The schedule listing also states that the Shotover River provides significant habitat for black fronted tern and banded dotterel, however this does not include the Shotover delta.

As described earlier, vegetation on the delta riverbed is generally limited to singular or occasional stands of willow.

3.5.2 Aquatic ecology

A search of the New Zealand Freshwater Fish Database did not reveal any records for the Shotover River, or for the Kawarau River in the general vicinity of the Shotover River confluence. However, RPW Schedule 1 lists the Kawarau River and tributaries as providing significant habitat for koaro, and habitat for eels, salmon and trout. As a key tributary of the Kawarau River, these species are also likely present in the Shotover River.

According to NIWA's *Freshwater Fish Spawning and Migration Periods (2014)* publication, salmonid (including salmon, brown trout and rainbow trout) spawning months extend from March to September each year. The same publication indicates that koaro spawning months extend from April to August.

[3] e3 Scientific (2019). *Rees River Gravel Extraction Ecological Assessment*

3.6 Recreational use

The Shotover River in proximity to the proposed riverbed works area is used by the general public for recreational activities such as dog walking and kayaking, as well as by commercial jet boat operators.

3.7 Conservation orders

Both the Kawarau and Shotover Rivers are protected by the Kawarau River Conservation Order (1997). This order identifies certain "outstanding characteristics" and certain "restrictions or prohibitions". The outstanding characteristics for the Shotover River in the order are:

- wild and scenic characteristics;
- natural characteristics, in particular the high natural sediment load and active delta at confluence with Kawarau River;
- scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River;
- recreational purposes, in particular rafting, kayaking, and jetboating;
- historical purposes, in particular goldmining.

The effects of this activity on these outstanding values have been assessed in Section 5 of this application. The specified contract recreation water quality standards that are required to be met are:

(1) The visual clarity of the water shall not be so low as to be unsuitable for bathing.
(2) The water shall not be rendered unsuitable for bathing by the presence of contaminants.
(3) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.

3.8 Schedule 1 of the RPW

Schedule 1 of the RPW outlines the natural and human use values of various watercourses throughout the Otago region. Table 2 summarises the natural values identified in Schedule 1A that apply to the Shotover and Kawarau Rivers.

Table 2: Natural values identified in the Schedule 1A of the RPW that apply to the Shotover and Kawarau Rivers

Kawarau River	
Ecosystem Values	▪ Large water bodies supporting high numbers of particular species, or habitat variety, which can provide diverse life cycle requirements of particular species; ▪ Bed composition of importance for resident biota – gravel and rock; ▪ Absence of aquatic pests (e.g. Lagarosiphon) identified in the Pest Management Strategy for Otago 2009; ▪ Presence of indigenous fish threatened with extinction; ▪ Presence of eels, salmon & trout
Outstanding Natural Features	Outstanding: a) for its wild, scenic characteristics; b) natural characteristics, in particular the return flow in the upper section when the Shotover River is in flood; c) for scientific values, in particular the return flow in the upper section when the Shotover is in flood; d) for recreational purposes, in particular rafting, jet boating and kayaking. Spectacular and rugged river gorge, schistose landscape, fast flowing white water and rapids, old gold sluicing landscape, from confluence with Arrow River to Lake Dunstan.
Significant indigenous vegetation and significant habitat of indigenous fauna	Significant habitat for koaro including many tributaries.
Shotover River	
Ecosystem Values	▪ Bed composition of importance for resident biota – gravel, boulder, sand, rock; ▪ Large water bodies supporting high numbers of particular species, or habitat variety, which can provide diverse life cycle requirements of particular species; ▪ Absence of aquatic pests (e.g. Lagarosiphon) identified in the Pest Management Strategy for Otago 2009; ▪ Presence of riparian vegetation of significance to aquatic habitats; ▪ Presence of a significant range of indigenous waterfowl. ▪ Presence of indigenous waterfowl threatened with extinction
Outstanding Natural Features	Outstanding: a) for its wild and scenic characteristics; b) for its natural characteristics, in particular the high natural sediment load and active delta at confluence with Kawarau River; c) scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River; d) for recreational purposes, in particular rafting, kayaking and jet boating; e) for historical purposes, in particular gold mining.

Schedule 1B of the RPW identifies rivers where the water taken is used for public water supply purposes. There are no Schedule 1B values listed for the Shotover or Kawarau Rivers. Schedule 1D is addressed in Section 3.6.

Schedule 1C identifies registered historic places, with the following places listed for the subject rivers:

- Kawarau River: Kawarau Falls bridge and dam, Frankton, Queenstown; Kawarau Gorge Suspension Bridge, SH 6, Gibbston.
- Shotover River: Oxenbridge Tunnel, Arthurs Point, Queenstown; Edith Cavell Bridge, Arthurs Point, Queenstown.

Schedule 1D identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kai Tahu. The Shotover and Kawarau Rivers are identified as having the following:

Watercourse	Schedule 1D beliefs, values and uses
Kawarau River	▪ Kaitiakitanga: the exercise of guardianship by Kai Tahu, including the ethic of stewardship ▪ Mauri: life force; ▪ Waahi taoka: treasured resource; values, sites and resources that are valued; ▪ Trails: sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes); ▪ Cultural materials: water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines)
Shotover River	▪ Kaitiakitanga: the exercise of guardianship by Kai Tahu, including the ethic of stewardship ▪ Mauri: life force; ▪ Waahi taoka: treasured resource; values, sites and resources that are valued; ▪ Mahika kai: places where food is procured or produced; ▪ Kohanga: important nursery/spawning areas for native fisheries and/or breeding grounds for birds. ▪ Trails: sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes); ▪ Cultural materials: water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines)

3.9 Heritage values

QLDC's Operative and Proposed District Plan GIS mapping tool does not show any archaeological or cultural sites within or adjacent to the subject area.

4. ACTIVITY CLASSIFICATION

4.1 Regional Plan: Water for Otago

4.1.1 Riverbed alteration

The permitted activities (Rules 13.5.1.1-13.5.1.5; 13.5.1.8A-B) associated with the disturbance of the bed of a river are not considered relevant to the proposed works, as they relate to structures, defences against water, bank reinstatement or livestock. Restricted discretionary Rule 13.5.2.1 relates to gravel extraction, and is therefore not directly relevant to the proposal as the applicant is not seeking to remove gravel from the riverbed.

As such, the proposed riverbed disturbance/alteration is a **discretionary** activity under Rule 13.5.3.1.

4.1.2 Diversion of water

The proposed diversion of water is a **discretionary** activity under Rule 12.3.4.1(i), as the upstream catchment exceeds the Rule 12.3.2.1 permitted activity threshold of 50 hectares.

4.1.3 Discharges

The discharge of suspended sediment to water is a **permitted** activity under Rule 12.C.1.1, provided that:

a) The discharge does not result in flooding, erosion, land instability or property damage; and
b) There is no discharge of water from one catchment to water in another catchment; and
c) The discharge does not change the water level range or hydrological function of any Regionally Significant Wetland; and
d) When the discharge enters the river; the discharge:
    i. Does not result in:
        1. A conspicuous change in colour or visual clarity; or
        2. A noticeable increase in local sedimentation; and
    ii. Does not have floatable or suspended organic materials; and
    iii. Does not have an odour, oil or grease film, scum or foam; and
e) From 1 April 2026, the discharge is expected to be able to comply with 12.C.1.1A.

Any discharge that may occur from the resuspension of bed materials during instream works, ongoing maintenance or from the first release of water through the diversion channel would likely comply with all of the above conditions other than (d). This is on the basis that there is the potential for a conspicuous change in visual clarity and in localised downstream sedimentation, noting that these are expected to be temporary and relatively minor in nature.

Restricted discretionary rule 12.C.2.1 authorises the discharge of any contaminant to water for up to 5

years, however the term being sought is longer than 5 years.

As such, the potential discharge of sediment to water as a result of the diversion works is a **discretionary** activity under Rule 12.C.3.2.

4.2 Regional Plan: Air for Otago

Rule 16.3.13.1 provides for the discharge of contaminants to air from any outdoor general engineering activity as a **permitted** activity, provided that any such discharge is not noxious, dangerous, offensive or objectionable at or beyond the property boundary. This rule is considered applicable to the proposal, particularly with regard to the possible minor discharge of dust from the diversion channel excavations.

Provided this activity is undertaken in relatively calm conditions, adverse dust effects beyond the property boundary are not expected.

4.3 Queenstown Lakes District Plan

The area owned by QLDC and shown in Figure 7, is managed under a designation for WWTP operations. However, the proposed riverbed works are located outside of that designation. There are no rules in the District Plan which control the effects of works within the riverbed itself as these are under the authority of the Regional Council.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

In addition to the application being made in the prescribed form and manner, Section 88 of the RMA also requires that every application for resource consent includes an assessment of the effects of the activity on the environment as set out in Schedule 4 of the RMA.

5.1 Effects on surface water quality

The proposed diversion works have the potential to cause adverse effects on the downstream water quality of the Shotover River, primarily via the following mechanisms:

- Disturbance of sediments from large vehicles and machinery accessing the diversion site;
- Works directly in the wetted riverbed, causing re-suspension of bed sediments; and

- The initial opening of the diversion channel, whereby the initial inflow of water may entrain sediments and carry them downstream.

To suitably mitigate these potential effects on surface water quality, the applicant will utilise the following best practice measures:

- Undertaking as much of the diversion works as possible in the 'dry', to minimise time spent working in actively flowing water. This will involve excavating most of the diversion channel and recontouring the surrounding area prior to connecting the final segment of the diversion channel to the wetted river channel;
- Refuelling machinery well outside of the riverbed and at least 20 metres from flowing water;
- Use of erosion and sediment control measures, where appropriate, to prevent uncontrolled contaminated runoff from entering the river;
- Washing machinery and vehicles prior to entering the riverbed and undertaking the work, and ensuring plant and equipment is well maintained; and
- Ensuring spill kits are appropriately stocked and carried with the machinery undertaking the works.

By applying the above mitigation measures, it is considered that any adverse effects on water quality will be less than minor.

5.2 Effects on hydrology

While the diversion will create localised effects on the hydrology of the Shotover River, these changes are largely in keeping with the highly dynamic nature of the river. As a naturally braided river, the Shotover River regularly changes course, creating new channels and abandoning old ones, particularly during or following high flow or storm events. This is precisely the reason why the present application is necessary, as a main channel of the Shotover River has historically flowed directly past the WWTP discharge channel, but has rerouted via a different channel. This can clearly be seen in the below aerial photo sequence showing how quickly this can change.

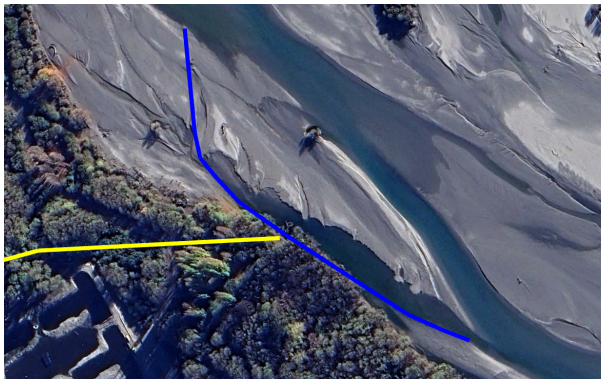

Figure 16: Google Earth imagery of subject area showing change in Shotover River channel morphology (top left: June 2022; top right: April 2023; bottom: May 2024)

Also of relevance is the regular gravel extraction activities that take place across the Shotover Delta. These serve a critical role in reducing flood risk by alleviating the rapid aggradation of sediment at the delta. While these excavation works tend to be outside of the wetted river bed, they nonetheless result in anthropogenic recontouring of the riverbed and are assumed to result in changes in the morphology and hence hydrology of the lower Shotover River.

Of relevance is the scale of these gravel extraction activities compared to the proposed diversion works. For example, RM17.311.01 authorises the extraction of up to 150,000 m^3/year from the lower Shotover River, compared to a proposed maximum of only 1,000 m^3 gravel disturbed for the subject diversion works.

Within the above context, the relatively small-scale diversion works are considered to have a less than minor effect on the hydrology of the Shotover River.

5.3 Effects on aquatic and terrestrial ecology

Due to the aforementioned highly-mobile nature of the lower Shotover River, adverse effects on aquatic and terrestrial ecology are not expected to be significantly adversely affected. With regards to aquatic ecology, ensuring that the currently-flowing river channel that will be subject to the diversion is not fully diverted will help to avoid fish and aquatic macroinvertebrate stranding, and minimise adverse effects on any macrophytes present in the wetted channel. While there is likely to be a "pulse" of sediment when the diversion channel is made live, this is expected to be of a relatively short duration, and will be similar (albeit smaller) in nature to one of the many small freshes that are experienced in the lower Shotover River.

Conditions have been volunteered to ensure that:

- Fish passage is not impeded by the works;
- Effects on aquatic ecology via water quality degradation is minimised by reducing the instream works window to the extent practicable, thereby mitigating sedimentation; and
- Any fish that may become stranded in isolated channels or pools are relocated to other parts of the river under the supervision of a qualified freshwater ecologist.

While instream works may occur during the fish spawning season (see Section 3.5.2), the temporary, localised nature of the works is not expected to significantly adversely affect fish spawning processes or habitat.

The key terrestrial ecology risk associated with the proposed diversion works is effects on nesting birds. The breeding and egg-laying period for braided river bird species is reported to be approximately from August through to March, with the core months understood to be August to January[4]. To avoid disturbing nesting birds during this period, the following conditions are proffered by the applicant (taken from recently-granted gravel extraction consents on another braided river in Otago):

a) No access to or disturbance of the riverbed associated with diversion works shall occur between 1 August to 31 January each year, unless an exemption is granted under clause (b).

b) An exemption to condition X (a) may occur, provided that prior to any works commencing a survey of all areas to be disturbed and a 100-metre radius surrounding this site is undertaken to identify any potential bird nesting sites. This includes but is not limited to the diversion works area and access route(s).

c) The survey specified in condition X (b), must be:

i. Undertaken by a suitably qualified and independent ornithologist/ecologist.

ii. Undertaken no less than 72 hours prior to any works commencing.

d) The Consent Holder must provide Department of Conservation Whakatipu (Community or Biosecurity Team) with a written overview of the findings and recommendations of the survey undertaken by the ornithologist/ ecologist (including a map of all bird breeding sites and 100 metre separation distances) for approval prior to any works occurring.

e) Within 5 working days of undertaking the survey specified in condition (b), a full written report must be provided to Department of Conservation Whakatipu (Community or Biosecurity Team) which includes the survey method, results, findings, recommendations and maps and locations of all bird nesting sites.

f) Vehicles and or machinery must not operate within 100 metres of birds which are breeding, nesting or rearing their young in the bed of the river or as identified in the survey required by condition X (b).

g) If work ceases for more than 72 hours on site, then the site must be re-surveyed for approval in accordance with conditions X (b) –(e)

h) The Consent Holder must ensure the findings and recommendations of the survey specified in condition X (b) is adhered to.

Overall, provided the diversion does not fully dewater the existing Shotover River active channel, and with

[4] Miskelly (2023), C.M. (ed.) New Zealand Birds Online, www.nzbirdsonline.org.nz.

the adoption of the proffered bird nesting condition, the proposal will have a less than minor adverse effect on ecology.

5.4 Effects on Schedule 1A values

The following table summarises RPW Schedule 1A values presented in Section 3.7 of this report, and provides an assessment of the proposal against these values. It is noted that Schedule 1A values listed for the subject rivers that are not relevant to the proposal/are well outside of the subject area have been omitted from the assessment.

Table 3: Schedule 1A values effects assessment

Value	Description	Assessment of effects
Ecosystem Values	▪ Large water bodies supporting high numbers of particular species, or habitat variety, which can provide diverse life cycle requirements of particular species; ▪ Bed composition of importance for resident biota – gravel, boulder, sand, rock; ▪ Absence of aquatic pests (e.g. Lagarosiphon) identified in the Pest Management Strategy for Otago 2009; ▪ Presence of indigenous fish threatened with extinction; ▪ Presence of eels, salmon & trout ▪ Presence of riparian vegetation of significance to aquatic habitats; ▪ Presence of a significant range of indigenous waterfowl. ▪ Presence of indigenous waterfowl threatened with extinction	The proposal will not create any barriers to flow within the wetted bed of the Shotover River. Direct effects on aquatic species will be mitigated by constructing most of the diversion channel in the dry and minimising time spent working within flowing water, and by ensuring that sufficient flow remains in the river channel subject to the diversion. Indirect effects will be managed by implementing erosion and sediment control measures where appropriate, undertaking the works during calm conditions, and ensuring any machinery used are well maintained and thoroughly cleaned prior to entering the riverbed. Potential effects on birds will be mitigated by avoiding works during the nesting season or having the work site surveyed, evaluated and reported on by a qualified ecologist. There is no known riparian vegetation of significance in the vicinity of the proposed diversion.

Value	Description	Assessment of effects
Outstanding Natural Features	(Kawarau) Outstanding: e) for its wild, scenic characteristics; f) natural characteristics, in particular the return flow in the upper section when the Shotover River is in flood; g) for scientific values, in particular the return flow in the upper section when the Shotover is in flood; h) for recreational purposes, in particular rafting, jet boating and kayaking. Spectacular and rugged river gorge, schistose landscape, fast flowing white water and rapids, old gold sluicing landscape, from confluence with Arrow River to Lake Dunstan. (Shotover) Outstanding: a) for its natural characteristics, in particular the high natural sediment load and active delta at confluence with Kawarau River; b) scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River; c) for recreational purposes, in particular rafting, kayaking and jet boating; d) for historical purposes, in particular gold mining. Spectacular and rugged river gorge, schistose landscape, fast flowing white water and rapids, old gold sluicing landscape, in main stem between confluence with Iron Stone Stream and Arthur Point. Wild and scenic characteristics, from confluence with Iron Stone Stream to its source.	The disturbance will be temporary and will only occur very occasionally – only when there is a significant shift in the key river channel, after the first diversion works have taken place. Furthermore, it is proposed that diversion works will not occur on public holidays, Sundays, or Saturday afternoons – meaning the times of peak public interaction with the Shotover River are likely to be avoided. The diversion channel will be relatively confined, and in keeping with various consented gravel extraction activities that take place on the Shotover Delta. This, combined with the applicant's commitment to recontour worked areas outside of the diversion channel back to existing grade, to retain natural character, should ensure that the aesthetic, natural values of the Shotover River and nearby Kawarau River are not significantly adversely affected.

Overall, the proposal will have less than minor adverse effects on RPW Schedule 1A values.

5.5 Effects on natural character and amenity values

Proposed activities include the disturbance of the Shotover riverbed and consequently there are likely to be adverse effects on the natural character of the river and amenity values. However, the highly-dynamic nature of the Shotover Delta and regular formation and abandonment of actively-flowing channels means that the proposed diversion channel will not be at odds with the general natural character of the river at this location – particularly on the basis that the banks to either side of the diversion channel will be appropriately re-contoured back to existing ground level.

The works may temporarily disrupt recreation activities in the immediate vicinity, however this will be temporary and timed outside of peak recreation periods. Prior to works occurring, the applicant will advise commercial jet boaters of the intended works to ensure they do not use the diversion channel for health and safety reasons. Provided the applicant ensures that sufficient flow remains in the active channel being partially diverted, it is not expected that there will be significant adverse effects on recreational users of the Shotover River.

Overall, it is considered that potential adverse effects on natural character and amenity values will be less than minor.

5.6 Public access and safety

The public will be excluded from the active diversion works area on the Shotover riverbed to ensure their safety. Effects on public access will be temporary and limited to the operational area, and the bulk of the riverbed will remain open to the public. As detailed earlier, extraction areas will be recontoured to a natural form and public access can then resume.

It is expected that appropriate signage will be erected to notify the public of the nature and use of the diversion channel.

Based on the above, the proposal will have less than minor adverse effects on public access and safety.

5.7 Effects on other gravel extraction operations

While there are a number of consented gravel extraction operations in effect on the Shotover Delta, the diversion works will be localised and temporary, accessed via QLDC-owned land, and located in an active treated wastewater discharge zone – meaning other extraction works would be expected to stay away from this area for health and safety reasons.

On the basis of the above, adverse effects on consented gravel extraction operations on the lower Shotover River are considered to be less than minor.

5.8 Effects on Cultural Values

It is considered appropriate that works are undertaken with an accidental discovery protocol in place. Noting that works in the wetted channel will be minimal and conditions are proposed to mitigate effects on river processes and ecological values, it is considered that potential cultural effects will be appropriately addressed.

Additionally, a pounamu discovery condition has been volunteered by the applicant (see below subsection), consistent with recently-granted gravel extraction consents in the region.

However, the applicant acknowledges that Aukaha and Te Ao Marama Inc (TAMI) are best placed to assess cultural effects, and engagement with both organisations is underway as part of the wider activities occurring on the site.

5.9 Summary of Proposed Mitigation

Included below are conditions volunteered by the applicant to mitigate adverse environmental effects. Providing the following conditions are adopted, it is considered that adverse effects will be mitigated to an acceptable level.

X. Prior to works in flowing water occurring, the consent holder shall notify applicable commercial jet boat operators of the date and nature of the upcoming diversion works.

X. Prior to works on the riverbed occurring, the consent holder shall install signage, fencing and/or other measures as appropriate to ensure public safety during and after the works

X. The diversion channel shall have a bottom width of no more than 2 metres and shall be no longer than 300 metres.

X. Works in flowing water shall be minimised as far as practicable.

X a) No access to or disturbance of the riverbed associated with diversion works shall occur between 1 August to 31 January each year.

b) An exemption to condition X (a) may occur, provided that prior to any works commencing a survey of all areas to be disturbed and a 100-metre radius surrounding this site is undertaken to identify any potential bird nesting sites. This includes but is not limited to the diversion works area and access route(s).

c) The survey specified in condition X (b), must be:

i. Undertaken by a suitably qualified and independent ornithologist/ecologist.

ii. Undertaken no less than 72 hours prior to any works commencing.

d) The Consent Holder must provide Department of Conservation Whakatipu (Community or Biosecurity

Team) with a written overview of the findings and recommendations of the survey undertaken by the ornithologist/ ecologist (including a map of all bird breeding sites and 100 metre separation distances) for approval prior to any works occurring.

e) Within 5 working days of undertaking the survey specified in condition (b), a full written report must be provided to Department of Conservation Whakatipu (Community or Biosecurity Team) which includes the survey method, results, findings, recommendations and maps and locations of all bird nesting sites.

f) Vehicles and or machinery must not operate within 100 metres of birds which are breeding, nesting or rearing their young in the bed of the river or as identified in the survey required by condition X (b).

g) If work ceases for more than 72 hours on site, then the site must be re-surveyed for approval in accordance with conditions X (b) –(e)

h) The Consent Holder must ensure the findings and recommendations of the survey specified in condition X (b) is adhered to.

X. The works shall not prevent the passage of fish, or cause the stranding of fish in pools or channels.

X. In the event that fish are stranded in pools or channels caused by the works, the consent holder shall arrange for the fish to be salvaged and relocated to an appropriate waterway within the river. The fish salvage and relocation shall be conducted by or under supervision of a suitably qualified and experienced freshwater ecologist.

X. Disturbed areas outside of the diversion channel will be contoured and finished with a smooth, natural appearance.

X. a) The consent holder shall monitor the site following the completion of the diversion works:

i) for the first 2 hours; and

ii) after 24 hours

to ensure that the channel has stabilised and is functioning as intended.

b) If the inspection under a) indicates that there is any ongoing sediment discharge or erosion, the consent holder shall advise ORC of the intended mitigation measures that will be undertaken and complete such mitigation measures within the following 24 hour period.

X. Prior to the works described in Condition [insert condition reference] of this consent, the Consent Holder must ensure that all personnel working on the site are made aware of, and have access at all times to:

(a) The contents of this document and copies of this document must always be present on-site while the work authorised by this consent is being undertaken.

X. During the exercise of this consent:

(a) Machinery to be used for extraction must be cleaned to prevent the spread of land based and aquatic pest plants;

(b) There must be no stockpiling or creation of gravel banks in the bed of the river, or within a floodway;

(c) There must be no washing or refuelling of machinery in the bed of the watercourse;

(d) All construction equipment, machinery, plant, chemicals, fencing, signage and debris must be removed from the site within 5 days of completion of the works;

(e) No structure, including any dam, weir, bund or stockpile, which may:

i. divert, alter or constrain the flow of water from its natural course; or

ii. block any navigable channel; or

iii. obstruct or interfere with the free flow of flood waters; is to be formed, constructed, or placed in the bed of any river in the exercise of this consent, unless such a structure is otherwise authorised under any other legislative requirement;

(j) All works on the riverbed must only be undertaken between the hours of 8.00am and 5pm, Monday to Friday and 8am – 1pm Saturday. No works on the riverbed are to occur on Sundays and public holidays and during the Christmas – New Year period from 22 December until 8 January (inclusive).

X. The Consent Holder must take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the Consent Holder must:

(a) Water blast all machinery to remove any visible dirt and/or vegetation prior to being brought on-site to reduce the potential for pest species being introduced to the bed of the watercourse. Machinery and equipment that has worked in watercourses must, prior to entering the site, also be cleaned with suitable chemicals or agents to kill Didymosphenia geminata;

(b) To avoid the spread of the Didymosphenia geminata or any other pest plant, not use machinery in the berm or bed of the river that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless the machinery has been thoroughly cleansed with a decontamination solution (for information on decontamination contact the Consent Authority's Biosecurity Team);

(c) Remove any vegetation caught on the machinery at the completion of works;

(d) Prior to leaving the site, water blast all machinery following the completion of works to reduce the potential for pest species being spread from the bed of the watercourse.

X. In the event that an unidentified archaeological site is located during works, the following applies:

(a) Work must cease immediately at that place and within 20 metres around the site.

(b) All machinery must be shut down, the area must be secured, and the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Consent Authority must be notified.

(c) If the site is of Māori origin, the Site Manager must also notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural

procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975).

(d) If human remains (koiwi tangata) are uncovered the Site Manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police, the Consent Authority and the appropriate iwi groups or kaitiaki representative and the above process under (d) must apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.

(e) Works affecting the archaeological site and any human remains (koiwi tangata) must not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.

(f) Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records

X. a) No pounamu may be removed or recovered from any part of the working site or river bed; and

b) Where any pounamu is found the Consent Holder must immediately notify the Pounamu Manager, Te Rūnanga o Ngāi Tahu, Christchurch.

6. STATUTORY CONSIDERATIONS

Schedule 4 of the RMA requires that an assessment of the activity against the matters set out in Part 2 and any relevant provisions of a document referred to in Section 104 of the RMA is provided when applying for a resource consent for any activity. These matters are assessed as follows.

6.1 Part 2 of the RMA

The proposal is consistent with the purpose and principles of the RMA, as outlined in Section 5; the proposal enables the applicant to provide for their and the wider community's economic and social wellbeing while appropriately avoiding or mitigating adverse environment effects.

The proposal recognises and provides for relevant Section 6 Matters of National Importance, including; the preservation of the natural character of rivers and their margins, and the protection of them from inappropriate subdivision, use, and development; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; the maintenance and enhancement of public access to and along rivers and the management of significant risks from natural hazards. (Section 6 (a) (e) (d) and (h)).

The proposal gives particular regard to the relevant requirements of Section 7 of the RMA, including; kaitiakitanga; the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; intrinsic values of ecosystems; maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources (Sections (a) (b) (c) (d) (f) and (g)).

Regarding Section 8, the proposed activity is not inconsistent with the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

Overall, the activity is considered to be consistent with Part 2 of the RMA.

6.2 Section 104(1)(b) of the RMA

In accordance with Schedule 4 of the RMA, an assessment of the activity against the relevant provisions of a document referred to in 104(1)(b) of the RMA must be included in an application for resource consent. Documentation in this section are noted as being:

i. a National Environmental Standard;
ii. other regulations;
iii. a National Policy Statement;
iv. a New Zealand Coastal Policy Statement;
v. a Regional Policy Statement or Proposed Regional Policy Statement;
vi. a plan or proposed plan.

Under the RMA, regional plans need to give effect to higher order policy documents. For an application of this scale, an assessment of the application against the National Policy Statement for Freshwater Management (NPSFM), Otago Regional Policy Statement (RPS) and RPW is considered appropriate.

6.2.1 National Environmental Standards

No National Environmental Standards are considered relevant to the proposed activities. It is noted that proposed activities are not within 100 m of any natural inland wetland and there will be no barriers to fish passage.

6.2.2 National Policy Statement for Freshwater Management

The NPSFM sets out the objectives and policies for freshwater management under the RMA. The most recent version of the NPSFM came into effect on 3 September 2020, replacing the 2014 version (amended in 2017).

Further amendments were made to the NPSFM in October 2024, with Section 23 of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 requiring consent authorities to disregard clauses 1.3(5) (the Te Mana o te Wai hierarchy of obligations) and 2.1 (the NPS objective).

NPSFM policies that apply to the proposed activity include:

> *Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
>
> *Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement."

The applicant has proposed conditions or methodologies to mitigate potential effects on freshwater, including; conducting as much of the diversion works in the dry as possible, using erosion and sediment control measures where feasible, cleaning machinery prior to works on the riverbed, and recontouring disturbed areas following completion of the diversion channel. Furthermore, the applicant has indicated a commitment to inspecting the diversion channel following large freshes, and relocating any stranded fish under the supervision of a qualified freshwater ecologist. Provided the conditions of consent volunteered by the applicant are adopted, it is considered that the proposed activities are consistent with the NPSFM.

6.2.3 National Policy Statement for Indigenous Biodiversity

Clause 1.4(3) of the National Policy Statement for Indigenous Biodiversity (NPSIB) states the following:

If there is a conflict between the provisions of this National Policy Statement and the National Policy Statement for Freshwater Management 2020 or the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, the latter prevail.

As the proposal relates to an activity within the bed of a river, it is assumed that it is fully within the

jurisdiction of the NPSFM, and that the NPSIB therefore does not apply to the proposal.

6.2.1 Otago Regional Policy Statement

Otago regional policy statements provide an overview of the resource management issues facing Otago and set policies and methods to manage Otago's natural and physical resources.

There are currently two regional policy statements in effect in Otago:

- Otago Regional Policy Statement 2019 (ORPS 2019) fully operative;
- Proposed Otago Regional Policy Statement (PORPS), which was first notified on the 26th of June 2021 and on 30 September 2022 for the freshwater instrument components. On 30 March 2024 the ORC notified its decisions on the submissions on PORPS 2021 with some matters still subject to appeal.

6.2.1.1 Otago Regional Policy Statement 2019

An assessment of relevant objectives and policies included in the Operative RPS is provided in the below table.

Table 4: Assessment of the relevant objectives and policies in the ORPS 2019

PART B Chapter 1 Resource management in Otago is integrated	
Objective	
Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	
Policy	**Assessment**
Policy 1.1.1 Economic wellbeing Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.	The proposed diversion activities are critical to enable appropriate dilution of temporary discharges of treated effluent from the Shotover WWTP. This, in turn, will help to minimise potential adverse effects on water quality, ecology, public health and safety, and human use values. There are no sites of significance to iwi identified within or adjoining the proposed site, although it is acknowledged that the
Policy 1.1.2 Social and cultural wellbeing and health and safety Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when	

undertaking the subdivision, use, development and protection of natural and physical resources by all of the following: a) Recognising and providing for Kāi Tahu values; b) Taking into account the values of other cultures; c) Taking into account the diverse needs of Otago's people and communities; d) Avoiding significant adverse effects of activities on human health; e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing; f) Promoting good quality and accessible infrastructure and public services.	wider area includes high value sites that may not be mapped. Appropriate conditions are proposed to ensure correct protocols are observed should a discovery of cultural significance be made. Overall, the proposed activity is sought to enable continued operation of the Shotover WWTP (critical infrastructure servicing the communities of the Wakatipu Basin) while critical upgrades are investigated and enacted.
PART B Chapter 2: Kāi Tahu values and interests are recognised and kaitiakitaka is expressed	
Objective	
Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for	
Policy	**Assessment**
Policy 2.2.1 Kāi Tahu wellbeing Manage the natural environment to support Kāi Tahu wellbeing by all of the following: a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and, b) Safeguarding the life-supporting capacity of natural resources.	The subject area is located within the takiwā of Te Rūnanga o Ōtākou (Schedule 1B). The Kāi Tahu value of Ki Uta Ki Tai (from the mountains to the sea) is particularly relevant, given the Shotover River/Kimi-ākau as the focal point for the application (Schedule 1A). The proposal seeks to recognise the customary values associated with the Shotover River by mitigating effects on water quality and ecology and proffering suitable conditions concerning accidental discovery and pounamu discovery protocols. However, it is acknowledged that iwi are

	best placed to assess cultural effects from the proposal.
PART B Chapter 3 Otago has high quality natural resources and ecosystems	
Objective	
Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.	
Objective 3.2 Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded.	
Policy	**Assessment**
Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to: a) Safeguard the life supporting capacity of fresh water; b) Maintain good quality water, or enhance it where it has been degraded; c) Maintain or enhance bank stability; d) Maintain or enhance ecosystem health and indigenous biological diversity; e) Maintain or enhance, as far as practicable: i. Their natural functioning and character; and ii. Amenity values; f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and, g) Avoid, remedy or mitigate the adverse effects of	The temporary nature of the proposed diversion works and conditions volunteered by the applicant (including: minimising instream works; utilising erosion and sediment controls; recontouring the beach back to natural grade and controlling the spread of pest species) will maintain the values attributed to the Shotover River, including its life-supporting capacity, natural character and contribution to amenity. The proposal is not expected to have any significant effect on natural hazards, particularly flooding or erosion.

natural hazards, including flooding and erosion.	
Policy 3.1.9 Ecosystems and indigenous biological diversity Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to: a) Maintain or enhance: i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna; ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity; b) Maintain or enhance as far as practicable: i. Areas of predominantly indigenous vegetation; ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity; iii. Areas buffering or linking ecosystems; c) Recognise and provide for: i. Hydrological services, including the services provided by tall tussock grassland; ii. Natural resources and processes that support indigenous biological diversity; d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.	Volunteered conditions and proposed methodologies concerning avoiding the documented breeding bird season for braided rivers, minimising instream works, employing best practice erosion and sediment control and cleaning machinery before use will help to mitigate adverse effects on the ecosystems and indigenous biological diversity of the Shotover River, delta and Kawarau River.
Policy 3.2.2 Managing significant indigenous vegetation and habitats Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following: a) In the coastal environment…	

…b) Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant; c) Avoiding significant adverse effects on other values of the area or habitat; d) Remedying when other adverse effects cannot be avoided; e) Mitigating when other adverse effects cannot be avoided or remedied; f) Encouraging enhancement of those areas and values that contribute to the area or habitat being significant; g) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.	
<u>Policy 3.2.14 Managing outstanding freshwater bodies</u> Protect outstanding freshwater bodies by all of the following: a) Maintaining the values that contribute to the water body being outstanding; b) Avoiding, remedying or mitigating other adverse effects on the water body; c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; d) Encouraging enhancement of those values that contribute to the water body being outstanding.	Some of the key contributing factors for the Shotover River's status as an outstanding water body are: a) its natural characteristics and scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River; b) recreational values, in particular rafting, kayaking and jet boating; c) historical values, in particular gold mining. As discussed earlier, the proposed diversion channel and associated works will not be inconsistent with the general nature of the Shotover River at the delta; that is, highly dynamic, regular shifting of active river channels, regular regrading of the riverbed following high or low flows. In this respect, the proposal is not expected to adversely

	affect the key natural characteristics and scientific value of the Shotover River. Recreational values will be managed by appropriate signposting, notifying key recreational users ahead of diversion works taking place, the temporary nature of the works themselves, and ensuring that sufficient flow is left in the current active river channel subject to the diversion.
PART B Chapter 5 People are able to use and enjoy Otago's natural and built environment	
Objective	
Objective 5.1 Public access to areas of value to the community is maintained or enhanced.	
Objective 5.4 Adverse effects of using and enjoying Otago's natural and physical resources are minimised.	
Policy	**Assessment**
Policy 5.1.1 Public access Maintain or enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following: a) Protecting public health and safety; b) Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats; c) Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu; d) Ensuring a level of security consistent with the operational requirements of a lawfully established activity.	As per Section 5.6 the public will be temporarily excluded from the diversion works area to ensure their safety. Effects on public access will be temporary and limited to the operational area during the active works; the bulk of the riverbed will remain open to the public.

Policy 5.4.1 Offensive or objectionable discharges Manage offensive or objectionable discharges to land, water and air by: a) Avoiding significant adverse effects of those discharges; b) Avoiding significant adverse effects of discharges of human or animal waste directly, or in close proximity, to water or mahika kai sites; c) Avoiding, remedying or mitigating other adverse effects of those discharges	The temporary diversion works may cause the release of sediment-laden water to the Shotover River. Given the naturally high sediment load of the Shotover River, this is unlikely to present a significant problem, however the effects of this potential sediment release will be mitigated to the extent practicable by minimising instream works and employing erosion and sediment controls where appropriate. Discharges of contaminants to air will comply with the relevant permitted activity rules in the RAP.
Policy 5.4.5 Pest plants and animals Control the adverse effects of pest species, prevent their introduction, reduce their spread and enable the removal and destruction of material for biosecurity purposes, to safeguard all of the following: a) The viability of indigenous species and habitats for indigenous species; b) Ecosystem services that support economic activities; c) Water quality and water quantity; d) Soil quality; e) Human and animal health; f) Recreation values; g) Landscapes, seascapes and natural character; h) Primary production.	The applicant will mitigate the risk of spreading pest species to or from the Shotover River via the volunteered conditions requiring that machinery and vehicles are thoroughly washed before and after entering the riverbed, and enforcing more stringent controls or avoidance measures where machinery has been working in areas known to harbour pest species.

6.2.1.1 Proposed Otago Regional Policy Statement 2021

An assessment of the relevant objectives and policies of the PORPS is included in Table 5.

Table 5: Assessment of proposed development against the PORPS

MW – Mana whenua	
Objectives	
MW–O1 – Principles of Te Tiriti o Waitangi The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and Papatipu Rūnaka to ensure that what is valued by mana whenua is actively protected in the region.	
Policies	**Assessment**
MW–P3 – Supporting Kāi Tahu hauora The natural environment is managed to support Kāi Tahu hauora by: (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā, (2) protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities, (3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahu with these resources as taoka, and the connections to practices such as mahika kai, and (4) working with Kāi Tahu to incorporate mātauraka into resource management processes and decision-making.	There are no sites of significance to iwi identified within or adjoining the site, although it is acknowledged that the wider area includes high value sites that may not be mapped. Appropriate conditions are proposed to ensure correct protocols are observed should a discovery of cultural significance be made. The applicant acknowledges that Aukaha and Te Ao Marama are best placed to assess cultural effects, and if required will engage with both organisations to obtain their affected party approval for the application.
IM – Integrated management	
Objectives	
IM–O2 – Ki uta ki tai The management of natural and physical resources embraces ki uta ki tai, recognising that the environment is an interconnected system which depends on its connections to flourish and must be managed as an interdependent whole.	

IM–O3 – Sustainable impact

Otago's communities provide for their social, economic, and cultural well-being in ways that support or restore environmental integrity, form, functioning, and resilience, so that the life-supporting capacities of air, water, soil, and ecosystems are sustainably managed, for future generations.

Policies	Assessment
IM–P3 – Providing for mana whenua cultural values in achieving integrated management Recognise and provide for the relationship of Kāi Tahu with natural resources by: (1) enabling mana whenua to exercise rakatirataka and kaitiakitaka, (2) facilitating active participation of mana whenua in resource management decision making, (3) incorporating mātauraka Māori in processes and decision making, and (4) ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, wai māori (including awa [rivers] and roto [lakes] and wai tai (including te takutai moana [coastal marine area]) and mahika kai and habitats of taoka species.	As per assessment of MW–P3.
LF–FW – Fresh water	
Objectives	
LF–FW–O10 – Natural character The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.	
Policies	**Assessment**
LF–FW–P13 – Preserving natural character and instream values Preserve the natural character of lakes and rivers and	Due to the emergency treated effluent discharge from the WWTP, there is a functional need for the proposal diversion in order to achieve adequate

their beds and margins by: 1) avoiding the loss of values or extent of a river, unless: a) there is a functional need for the activity in that location, and b) the effects of the activity are managed by applying the effects management hierarchy (in relation to natural inland wetlands and rivers), 2) not granting resource consent for activities in (1) unless the consent authority is satisfied that: a) the application demonstrates how each step of the effects management hierarchy (in relation to natural inland wetlands and rivers) will be applied to the loss of values or extent of the river, and b) any consent is granted subject to conditions that apply the effects management hierarchy (in relation to natural inland wetlands and rivers) in respect of any loss of values or extent of the river, c) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the NPSFM, and has had to regard to the remaining principles in Appendix 6 and 7 of the NPSFM, as appropriate, and d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offspring or compensation will be maintained and managed over time to achieve the conservation outcomes, 3) establishing environmental flow and level regimes and water quality standards that support the health and well-being of the water body, 4) to the extent practicable, sustaining the form and function of a water body that reflects its natural	mixing in the Shotover River – this is essential for both ecological and public health reasons. The temporary nature of proposed diversion works, and the conditions volunteered by the applicant (including: minimising instream works; utilising erosion and sediment controls; recontouring the beach back to natural grade and controlling the spread of pest species), will maintain the values attributed to the Shotover River, including its natural character and contribution to amenity. Additionally, the proposed suspension of any diversion activities on the riverbed for much of the year to provide for breeding birds will further reduce any disturbance to the river's natural character, recreation activities and ecology. While the proposal will modify the riverbed, this modification will generally sustain the form and function of the river, and is not expected to reduce the braided character of the river.

behaviours, 5) recognising and implementing the restrictions in Water Conservation Orders, 6) preventing the impounding or control of the level of Lake Wanaka, 7) preventing modification that would reduce the braided character of a river, 8) controlling the use of water and land that would adversely affect the natural character of the water body, and 9) maintaining or enhancing the values of riparian margins to support habitat and biodiversity, reduce contaminant loss to water bodies and support natural flow behaviour.	
ECO – Ecosystems and indigenous biodiversity	
Objectives	
ECO–O1 – Indigenous biodiversity Otago's indigenous biodiversity is healthy and thriving and any overall decline in condition, quantity and diversity is halted.	
Policies	**Assessment**
ECO–P6 – Maintaining indigenous biodiversity Outside the coastal environment and excluding areas protected under ECO-P3, manage Otago's indigenous biodiversity by: (1) applying the effects management hierarchy (in relation to indigenous biodiversity) to manage significant adverse effects on indigenous biodiversity), and (2) requiring the maintenance of indigenous biodiversity for all other adverse effects of any activity, and (3) notwithstanding (1) and (2) above, for regionally	While terrestrial or aquatic ecological assessments have not been completed in support of this application, based on the information available, it may be reasonable to conclude that the biggest risk to indigenous biodiversity through the construction and ongoing maintenance of the diversion channel is via effects on indigenous bird species – specifically, during the breeding and nesting season. For this reason, conditions have been

significant infrastructure and nationally significant infrastructure that is either renewable electricity generation or the National Grid avoid, remedy or mitigate adverse effects to the extent practicable.	volunteered that exclude any works on the bed of the river during documented core breeding months, or requiring an ecologist to survey and report to council on breeding birds should the applicant need to conduct works during those months. This is expected to avoid adverse effects on breeding birds, including indigenous species known to be found on braided river systems in the area.
HCV–WT – Wāhi tūpuna	
Objectives	
HCV–WT–O1 – Kāi Tahu wāhi tūpuna Wāhi tūpuna and their associated cultural values are identified and protected.	
HCV–WT–O2 – Rakatirataka The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise their role as kaitiaki within these areas.	
Policies	**Assessment**
HCV–WT–P2 – Management of effects on wāhi tūpuna Wāhi tūpuna are protected by: (1) avoiding significant adverse effects on the cultural values of identified wāhi tūpuna, (1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tūpuna, (2) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tupuna.	As per assessment of MW–P3.

6.2.1 Regional Plan: Water for Otago

The RPW was made operative on 1 January 2004, and is the primary document that manages water within the Otago region's boundaries. Included in the below table is an assessment of the relevant objectives and policies in the RPW that relate to the proposed diversion works on the bed of the Shotover River.

Table 6: Assessment the relevant objectives and policies in the RPW

Chapter 5 Natural and human use values of lakes and rivers	
Objective	
Objective 5.3.1 To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago's lakes and rivers.	
Objective 5.3.2 To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago's lakes and rivers.	
Objective 5.3.3 To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development.	
Objective 5.3.4 To maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins.	
Objective 5.3.5 To maintain or enhance public access to and along the margins of Otago's lakes and rivers.	
Objective 5.3.6 To provide for the sustainable use and development of Otago's water bodies, and the beds and margins of Otago's lakes and rivers.	
Objective 5.3.8 To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago's lakes and rivers.	
Policy	**Assessment**
Policy 5.4.2 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating: (1) Adverse effects on: (a) Natural values identified in Schedule 1A; (b) Water supply values identified in Schedule	The temporary nature of proposed diversion works, and the conditions volunteered by the applicant (including: minimising instream works; utilising erosion and sediment controls; recontouring the beach back to natural grade and controlling the spread of pest species), will maintain the values attributed to the Shotover River, including its natural character and contribution to amenity.

1B; (c) Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river; (d) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu identified in Schedule 1D; (e) The natural character of any lake or river, or its margins; (f) Amenity values supported by any water body; and (2) Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.	Both the Shotover River and the Kawarau River have been identified in Schedule 1D as providing a range of cultural values and uses. There are no sites of significance to iwi identified within or adjoining the site, although it is acknowledged that the wider area includes high value sites that may not be mapped. Appropriate conditions are proposed to ensure correct protocols are observed should a discovery of cultural significance be made. Further assessment of the proposal against cultural values is provided in the following section. The proposed works are not expected to have any significant or lasting adverse effect in relation to flooding, erosion, land instability, sedimentation or property damage.
Policy 5.4.3 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding adverse effects on: (a) Existing lawful uses; and (b) Existing lawful priorities for the use, of lakes and rivers and their margins.	There are a range of other existing lawful uses on the bed of the lower Shotover River, however the localised and temporary nature of the disturbance means that there is unlikely to be any adverse effect on these other uses.
Policy 5.4.4 To recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing.	There are no sites of significance to iwi identified within or adjoining the site, although it is acknowledged that the wider area includes high value sites that may not be mapped. Appropriate conditions are proposed to ensure correct protocols are observed should a discovery of cultural significance be made. Further assessment of the proposal against cultural values is provided in the following section.
Policy 5.4.5 To recognise the Water Conservation (Kawarau) Order 1997 by: (a) Preserving, as far as possible, the waters set out in Schedule 1 of the Water Conservation Order in their natural state; (b) Protecting the outstanding characteristics of	As per the assessment of Policy 5.4.2, values attributed to the Shotover River will be maintained.

waters set out in Schedule 2 of the Water Conservation Order; and (c) Sustaining the outstanding amenity and intrinsic values set out in Schedules 1 and 2 of the Water Conservation Order.	
Policy 5.4.6 Legal public access to and along the margins of lakes and rivers will only be restricted where necessary: (a) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; (b) To protect Kai Tahu spiritual and cultural beliefs, values and uses; (c) To protect the health or safety of people and communities; (d) To ensure a level of security consistent with the purposes of a resource consent; or (e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.	As per Section 5.6, the public will be excluded from the diversion works on the Shotover River bed to ensure their safety. Effects on public access will be temporary and limited to the operational area, while the bulk of the riverbed will remain open to the public.
Policy 5.4.8 To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character: (a) The topography, including the setting and bed form of the lake or river; (b) The natural flow characteristics of the river; (c) The natural water level of the lake and its fluctuation; (d) The natural water colour and clarity in the lake or river; (e) The ecology of the lake or river and its margins; and (f) The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above.	Any effect on the topography of the riverbed will be localised and temporary. Disturbed gravels to either side of the new diversion channel will be recontoured back to existing grade, consistent with the surrounding natural riverbed. The natural flow characteristics of the river will be maintained, and any adverse effects on water clarity will be highly localised and temporary, and minimised to the extent practicable. Ecology is expected to be adequately managed via the proffered conditions.

Policy 5.4.9 To have particular regard to the following qualities or characteristics of lakes and rivers, and their margins, when considering adverse effects on amenity values: (a) Aesthetic values associated with the lake or river; and (b) Recreational opportunities provided by the lake or river, or its margins.	Amenity values attributed to the Shotover River will be maintained and recreational opportunities, e.g. jet boating, kayaking and hiking, will continue to be enabled, with only temporary and localised disruption.
Chapter 8 The beds and margins of lakes and rivers	
Objective	
Objective 8.3.1 To maintain: (a) The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river; (b) The stability of the bed and bank of any lake or river; and (c) The flood and sediment carrying capacity of any lake or river.	
Objective 8.3.2 To minimise reduction in water clarity caused by bed disturbance.	
Policy	**Assessment**
Policy 8.4.1 When managing activities in, on, under or over the bed or margin of any lake or river, to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects: (a) On the stability and function of existing structures located in, on, under or over the bed or margin of any lake or river; (b) Arising from associated erosion or sedimentation of the bed or margin of any lake or river, or land instability; or (c) Arising from any reduction in the flood carrying capacity of any lake or river.	The proposed diversion channel is not expected to have a significant detrimental impact on the natural flow and sediment processes of the Shotover River, for the reasons provided in Section 5.2. It is expected that any adverse effects arising from erosion or sedimentation from the temporary works can be adequately managed.
Policy 8.6.1 In managing the disturbance of the bed or margin of any lake or river, to have regard to any adverse effect on:	Provided works within the wetted bed are kept to a minimum (by forming most of the diversion channel in the dry first), and with the use of best practice erosion and sediment control measures where appropriate,

(a) The spawning requirements of indigenous fauna, and trout or salmon; (b) Bed and bank stability; (c) Water quality; (d) Amenity values caused by any reduction in water clarity; and (e) Downstream users	adverse effects on indigenous aquatic species or salmonids and water quality and clarity are not expected to be significant. Adverse effects on indigenous breeding birds can be avoided by timing works on the riverbed outside of the breeding season, and significant effects on bed and bank stability are not considered likely.

6.1 Iwi Management Plans

The proposed activities are subject to the below Iwi Management Plans:

- Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (Kai Tahu Ki Otago NRMP)
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (Te Tangi a Tauira)

6.1.1 Kāi Tahu Ki Otago Natural Resource Management Plan

Included below is a list of policies included in the Kai Tahu Ki Otago NRMP that are considered particularly relevant to the proposed activities:

- To require an assessment of instream values for all activities affecting water.
- To protect and restore the mauri of all water.
- To require that fish passage is provided for at all times, both upstream and downstream.
- To require that any visual impacts at the site of the activity are minimal.
- To require that any works be undertaken either before or after spawning season of potentially affected species as identified by the affected Papatipu Runaka.
- To require that all practical measures are taken to minimise sedimentation or discharge of sedimentation.
- To require that all practical measures are undertaken to minimise the risk of contamination to the waterway.
- To require that machinery enters the dry bed of the waterway only to the extent necessary, to carry out as much of the work as possible, using one corridor for entering and exiting.
- To discourage machinery operating in flowing water.
- To require that all machinery is clean and well maintained before entering the work site; refuelling is to be done away from the waterway.
- To require accidental discovery protocols for any earth disturbance activities

6.1.2 Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan

Included below is a list of policies included in Te Tangi a Tauira that are considered particularly relevant to

the proposed activities, in relation to the High Country and Foothills section of the plan:

- Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.
- Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.
- Adopt a precautionary approach for any activity involving a waterway where there is an absence of detailed knowledge of that waterway (ecology, flow regimes, species, etc).
- Ensure that all native fish species have uninhibited passage from the river to the sea at all times, through ensuring continuity of flow ki uta ki tai.

6.2 Assessment of Iwi Management Plans

The application includes an assessment of instream values for the Shotover River/Kimi-akau, and seeks to minimise effects on the mauri of the river by minimising instream works to the extent possible and monitoring the diversion to ensure continued good environmental performance. Fish passage will not be impeded by the diversion works, provided sufficient flow is left in the active channel and with ongoing monitoring for fish stranding following freshes. Visual impacts are expected to be minimised by appropriate onsite recontouring following the works, measures will be taken to minimise sedimentation during and after the works, and all practicable measures will be utilised to minimise the risk of surface water contamination.

The works methodology has been developed to minimise the operation of machinery in flowing water, to the extent practicable. As per proffered conditions of consent, it will be mandatory for all machinery to be well maintained and cleaned before entering the riverbed, refuelling is not permitted on the riverbed, and an accidental discovery protocol has been volunteered.

Given the above, it is considered that the proposal is not contrary to the policy direction set out in the Kāi Tahu NRMP and Ngāi Tahu ki Murihiku NRMP.

7. NOTIFICATION ASSESSMENT

7.1 Public Notification

Section 95A of the RMA sets out the steps which must be followed by a consent authority when determining whether to publicly notify applications for resource consent. The proposed development is assessed against the Section 95A below in Table 9.

Table 7: Assessment of proposed activities against Section 95A of the RMA

Step 1	Mandatory public notification in certain circumstances. An application must be publicly notified if any of the following criteria are met: ▪ the applicant has requested public notification; or ▪ public notification is required under section 95C; or ▪ the application is made jointly with an application to exchange recreation reserve land.	The applicant does not request public notification and public notification is not required under s95C.
Step 2	If notification is not required by step 1, public notification is precluded in certain circumstances. An application cannot be publicly notified if either of the following criteria are met: ▪ the application is for one or more activities and each activity is subject to a rule or NES that precludes notification; or ▪ the application is for a resource consent for 1 or more of the following but no other activities: – a controlled activity – a restricted-discretionary, discretionary or non-complying activity but only if the activity is a boundary activity.	Public notification is not precluded by a rule or NES. The proposed activities are beyond the scope of a boundary activity.
Step 3	If not precluded by step 2, public notification is required in certain circumstances. Public notification is required if: ▪ the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or NES which requires public notification; or ▪ the consent authority decides, in accordance with s95D, that the activity will have, or is likely to have, adverse effects on the environment that are more than minor.	Public notification is not required by a rule or NES. Environmental effects are considered less than minor.
Step 4	Public notification in special circumstances:	Special circumstances are those that are

	If notification is precluded under step 2, or isn't required under step 3, consideration must be given to whether special circumstances exist that warrant public notification of the application. If no such circumstances exist , the application must not be publicly notified but the consent authority must determine whether to give limited notification of the application under Section 95B.	unusual or exceptional, but they may be less than extraordinary or unique. No such circumstances exist in relation to this proposal, therefore public notification of the application is precluded.

7.2 Limited Notification

Where a consent authority determines that public notification is not required by Section 95A, it must then follow the relevant steps to determine if limited notification is required under Section 95B. The proposed development is assessed against the Section 95B steps below in Table 8.

Table 8: Assessment of proposed activities against Section 95B of the RMA

Step 1	If the consent authority determines that certain people or groups are affected, these persons/groups must be given limited notification: ▪ affected protected customary rights groups ▪ affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity) ▪ an affected person under section 95E to whom a statutory acknowledgement is made (if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement).	No protected customary rights groups are affected by the proposed activities. The application site is not considered to be on, adjacent to and does not affect a statutory acknowledgement area. While Lake Whakatipu is subject to a statutory acknowledgment, it is not considered that the proposal will have any direct or indirect effect on this lake.
Step 2	If not required by step 1, limited notification is precluded in certain circumstances. An application cannot be limited notified if either of the following criteria are met: ▪ the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification; or ▪ the application is for a controlled activity (but no other activities) that requires a	Limited notification is not precluded by a rule or NES. Resource consent is required for discretionary activities.

	resource consent under a district plan (other than a subdivision of land).	
Step 3	If not precluded by step 2, certain other affected persons must be notified. ▪ In the case of a boundary activity, an owner of an allotment with an infringed boundary; and ▪ In the case of any other activity, determine whether a person is an affected person in accordance with Section 95E.	The proposed activities are beyond the scope of a boundary activity. While conditions have been volunteered to mitigate effects on cultural values, the applicant acknowledges that Aukaha and Te Ao Marama are best placed to assess cultural effects, and consultation will be initiated with these parties around the time that this application is lodged. Iwi consultation and participation is ongoing with regards to the wider Shotover WWTP investigations and upgrades. The Department of Conservation (DOC) is also likely to be considered affected, on the basis that the proposed diversion channel and associated works will be located on public conservation land administered by the department. It is noted that a concession will be sought from DOC under separate application for these works.
Step 4	Further notification in special circumstances. If the consent authority determines special circumstances exist that warrant limited notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons), the council must give limited notification to those persons.	As per the assessment of Step 4 in Table 9, there are no special circumstances that would warrant notification of the proposed activities.

7.3 Summary of notification assessment

The assessment of the proposed activities against Section 95A and 95B of the RMA suggests that the

application to disturb the bed of the Shotover River, divert a portion of the Shotover River, and discharge resuspended sediment to the river can be processed without notification. Due to the proposed works in and adjacent to surface water, however, iwi consultation is considered appropriate. Finally, DOC written approval will be sought, due to the proposed works taking place on public conservation land.

8. CONSULTATION

Clause 6(1)(f) of Schedule 4 of the RMA requires the identification of, and any consultation undertaken with, persons affected by the activity. Iwi have been consulted with regards to the emergency effluent discharge to the Shotover River, and consultation specific to this application will be initiated with both iwi and DOC at the time the application is lodged.

9. CONSENT DURATION, REVIEW AND LAPSE

The applicant is seeking an expiry date of 31 December 2030 on the required resource consents, to align with the date by which a new long-term disposal solution will be operational.

The standard five-year lapse period as outlined in Section 125(1)(a) of the RMA can be applied. Council may review any consent in accordance with Sections 128 and 129 of the RMA.

10. CONCLUSION

A decision to grant the resource consent applications under Section 104B is recommended on the basis that:

a) the adverse effects on the environment are less than minor; and
b) The proposal is consistent with the requirements of the RMA, relevant ORC objectives and policies and other relevant matters.

Granting the resource consent applications will be consistent with the purpose of the RMA for the reasons explained within this report.

Appendix A: ***Water Quality Baseline Snapshot for Queenstown Wastewater Treatment Plan and Surrounds***