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Open correspondence

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By email: Richard.Saunders@orc.govt.nz

Dear Richard

CONTACT ENERGY CONSENT REVIEW

Introduction

1. The Lake Dunstan Charitable Trust (formerly Guardians of Lake Dunstan) ("**LDCT**") has been engaging with the Council for a long time as to the inadequacy of Contact Energy's ("**Contact**") conditions of consent, or at least the implementation of them, in ensuring that Contact appropriately avoids, remedies or mitigates the effects of its operations.
2. These concerns have been raised in particular in respect of Contact's duty to "manage the effects of Contact's activities on landscape and visual amenity values in the bed of the Kawarau Arm of Lake Dunstan", through a current Landscape and Visual Amenity Management Plan ("**LVAP**") (condition 17). The extent of Contact's obligations under that condition are under debate and remain unresolved. However, Contact's unmitigated effects extend beyond those that can or are intended to be addressed through the LVAP. These include:

- (a) **Lake Weed:** Lagarosiphon has taken over huge areas of the lake. While the source of the weed is from Lake Wanaka and Wakatipu, it settles in Lake Dunstan as the water is slow moving. This would not occur if the land still had a fast moving river passing over it. These effects are not addressed at all in the current conditions, despite clearly arising from Contact's operations.
 - (b) **Lake margins have reduced biodiversity:** The lake edge is now almost completely man made and falls under the Contact's easement. Contact is under no requirement to return the margins to pre-dam levels of biodiversity, or otherwise mitigate its effects in this regard.
 - (c) **Sediment:** Current conditions and sediment management plans do not address *all* viable options for sediment management. There are many options beyond what is currently being done, which is essentially to simply let 1 million cubes of sediment build up each year causing loss in visual, recreational and biodiversity amenity values. There have been no feasibility assessments into alternative measures, such as dredging.
 - (d) **Access to the lake:** Much of the lake is inaccessible due to the build up of weed both in the water and on the lake margins. There is no plan to manage and maintain access for the areas included within Contact's easement.
 - (e) **Access to the Kawarau:** The river is no longer safe to use for many boats due to sediment build up. Contact is requesting a variation of a current condition that requires them to maintain an access channel at the Bannockburn inlet, but is failing to address this issue.
 - (f) **Flood risk to Alexandra:** It remains unclear whether Contact's current plans to flush silt at the Roxburgh dam sufficiently reduce the flood risk to Alexandra.
3. The Council has a rapidly closing window to trigger a review of Contact's consent conditions. It must do so by 24 August 2022.
4. LDCT cannot understand why the Council has decided not to undertake such a review (or appears to have decided not to). LDCT urgently seeks for the Council to reconsider its position on this, particularly since:
- (a) There are a range of effects, as indicated above, that are not currently being addressed by Contact. Some of these effects will not have been anticipated or assessed at the time of the original grant of consent.
 - (b) These effects extend beyond those able to be addressed under the LVAP. (So it is not just a matter of interpretation and enforcement of the LVAP condition.)

- (c) A wide ranging review is anticipated by the conditions of Contact's consent (condition 21).
 - (d) The community can participate, as any review would be publicly notified.
 - (e) The Council's costs of the review will be borne by Contact.
5. If a review is not commenced by 24 August 2022, then no appropriate review can be undertaken for a further 5 years (ie not until 2027).
 6. LDCT wishes to be heard on this issue before the Council makes a final decision on whether or not to undertake a review (including any decision on whether to revisit the issue, if the Council has already decided not to proceed with a review). The matter is a critical opportunity to effect positive change for the lake, the environment and the people of the region. This decision is too important to be made in anything less than an open and transparent manner.
 7. Please contact us to discuss further.

Yours faithfully

Duncan Faulkner
Chairman