|  |  |  |
| --- | --- | --- |
| **CRIFFEL WATER LIMITED DRAFT CONDITIONS AS AT 4 SEPTEMBER 2019**Our reference A1084063 |

|  |
| --- |
| Consent No. RM16.093.01 |

 |
|  |  |
|

|  |
| --- |
| **WATER PERMIT** |

 |
|

|  |
| --- |
| Pursuant to Section 104C of the Resource Management Act 1991, the Otago Regional Council grants consent to: |

 |
|

|  |  |
| --- | --- |
| Name: | Criffel Water Limited |

 |
|

|  |  |
| --- | --- |
| Address: | Gallaway Cook Allan 276 Princes Street Dunedin Central Dunedin 9016 NZ |

 |
|

|  |
| --- |
| To take and use water from Luggate Creek for the purpose of irrigation, stock drinking water, and domestic supply. |
| For a term expiring 2 October 2046 |

 |
|  |  |
|

|  |  |
| --- | --- |
| Location of Point of Abstraction: | Luggate Creek, approximately 2 kilometres southeast of the intersection of Smith Road and Mount Barker Road, Luggate |

 |
|

|  |  |
| --- | --- |
| Legal Description of land at point of abstraction:  | Section 3 SO 300466 |

 |
|

|  |
| --- |
| Legal Description of land (s) where water is to be used: Various within the Criffel Water Limited Command Area, as shown on the plan attached as Appendix 1 to this consent and any other lands as advised in writing to the Consent Authority.  |

 |
|

|  |  |
| --- | --- |
| Map Reference at point of abstraction:  | NZTM 2000 E1300149 N5038142  |

 |
|

**Specific**

1. This permit shall not commence until 2 October 2021.
2. If this consent is not given effect to within a period of two years from the date of commencement of this consent, this consent shall lapse under Section 125 of the Resource Management Act 1991.
3. The rate of abstraction for primary allocation shall not exceed:
4. 358 litres per second;
5. 847,180 cubic metres per month;
6. 4,570,995 cubic metres between 1 July in a year and 30 June in the following year.
7. Other than exercising this permit for reasonable stock drinking water purposes a residual flow of no less than 90 litres per second shall be maintained in Luggate Creek immediately downstream of the intake weir authorised by this permit.
8. The rate of abstraction for supplementary allocation shall not exceed:
9. 250 litres per second;
10. 2,899,890 cubic metres between 1 July in a year and 30 June in the following year.
11. The supplementary take from Luggate Creek shall only occur when the flow exceeds 788 litres per second and will not cause the flow in Luggate Creek to fall below this level.
12. The intake shall be screened so as to prevent the ingress of small fish and elvers.
13. This permit shall be exercised or suspended in accordance with any Council approved rationing regime that applies to the Luggate Creek catchment.
14. No abstraction, other than for stock drinking water purposes and domestic supply, during the period 1 November to 30 April in the following year shall occur when flows in the Luggate Creek are less than the minimum flow of 180 litres per second at the SH6 flow monitoring site (located at map reference NZTM2000:1304656 5038199).
15. No abstraction, other than for stock drinking water purposes and domestic supply, during the period 1 May to 30 October shall occur when flows in the Luggate Creek are less than the minimum flow of 500 litres per second at the SH6 flow monitoring site (located at map reference NZTM2000:1304656 5038199).
16. Prior to the exercise of this permit, the consent holder shall enter into a low flow agreement or rationing agreement approved by a water management group operating in the Luggate Catchment.

The purpose of the agreement is to manage abstractions within the catchment to ensure that the minimum flow is met. The agreement shall include (but not be limited to) the following;

(a) Communications protocol between Luggate Catchment water users for reducing takes to meet minimum flow requirements as in flows drop;

(b) Methodology to be followed by consent holders if the communications protocol cannot be followed;

(c) Methodology for reviewing process in (a) and (b) above in the event that the minimum flow is breached to avoid the same issue arising again.

1. This permit shall be exercised in accordance with the low flow agreement or rationing agreement.
2. The consent holder shall review, and if appropriate, update the agreement prepared in accordance with Condition 11, at any intervals not exceeding 2 years from the date of commencement of this consent. If any amendments are made to the a copy of the updated agreement shall be provided to the ORC following completion of the review.

**Performance Monitoring**

1. (a) The consent holder shall install a water measuring station, consisting of a water measuring device, telemetry compatible datalogger with at least 24 months data storage and telemetry unit, and shall maintain a continuous record of the rate of take and the date and time this water was taken. Flow rate shall be recorded at a minimum of 15 minute time increments to an accuracy of +/- 10% while the take is being exercised.

 (b) Data shall be provided once daily to the Consent Authority by means of telemetry. The consent holder shall ensure data compatibility with the Consent Authority’s time-series database.

1. The water measuring station shall be installed in accordance with WEX0162 which was approved by the Consent Authority on 17 March 2015 to allow the water measuring device to be installed within a 20 metre radius of NZTM 2000 E1300123 N5038518.
2. The consent holder shall ensure the full operation of the water measuring station at all times during the exercise of this consent. All malfunctions of the water measuring station during the exercise of this consent shall be reported to the Consent Authority within 5 working days of observation and appropriate repairs shall be performed within 5 working days. Once the malfunction has been remedied, an Open Channel Water Measuring Device Verification Form completed with photographic evidence must be submitted to the Consent Authority within 5 working days of the completion of repairs.
3. The installation of the water measuring station shall be completed to full and accurate operation prior to the exercise of the consent. The consent holder shall obtain and complete the Open Channel Water Measuring Device and Datalogger Installation form and Open Channel Water Measuring Device Verification forms and submit them to the Consent Authority within 5 working days of the completion of installation and verification of the water measuring device and data logger.
4. The water measuring station shall be calibrated by a suitably qualified operator applying International Standards methodology at least annually. Calibration documents shall be supplied to the Consent Authority within 5 working days of the verification being performed, and upon request.

Note: The water measuring station, datalogger and telemetry unit should be safely accessible by the Consent Authority and its contractors at all times.

1. Within 5 years of the commencement of this consent, the consent holder shall submit to the Consent Authority a Scheme Management Plan. The Scheme Management Plan shall include (but not be limited to) the following;
2. A plan identifying the irrigation area at the commencement of this consent with the number of hectares specified.
3. A plan identifying any expanded irrigation area since the commencement of this consent, with the number of hectares specified.
4. A plan identifying further expanded areas of irrigation still to be developed with the number of hectares specified.
5. A description of water use efficiency or conveyance upgrades that have taken place since the commencement of this consent including any;
6. Upgrades to existing race network which may including piping;
7. Establishment of any water storage infrastructure;
8. A description of water use efficiency or conveyance upgrades that are planned within the next 5 years.
9. The consent holder shall review, and if appropriate, update the plan prepared in accordance with Condition 15, at intervals not exceeding 2 years from the date of implementation of this plan. Any updated plans shall be provided to the ORC following completion of the review.
10. On the 10th Anniversary of the commencement of this consent (i.e. 2 October 2031) any expanded areas of irrigation identified within the Scheme Management Plan that have not been developed for irrigation will no longer be able to be developed and the water volume set aside for this future irrigation area shall be surrendered by the consent holder.

**General**

1. The consent holder shall take all practicable steps to ensure that:

(a) the volume of water used for irrigation does not exceed soil field capacity of the irrigated areas;

1. the irrigation does not cause surface runoff;
2. leakage from pipes and structures is avoided;
3. the use of water onto non-targeted areas is avoided;
4. irrigation induced soil erosion and soil pugging does not occur;
5. soil quality is not degraded as a consequence of irrigation; and
6. loss of water, nutrients, and agrichemicals by percolation to groundwater is minimised.

These measures shall be promoted by the Scheme Management Plan referred to in condition 15 of this permit.

1. This permit shall be exercised or suspended in accordance with any Council approved rationing regime that applies to the Luggate Creek catchment.

**Review**

1. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of revising the minimum flow restrictions, if and when an operative regional plan sets a minimum flow for the catchment.
2. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent within 3 months of each anniversary of the commencement of this consent for the purpose of:
3. adjusting the consented rate or volume of water under condition 3 and condition 5, should monitoring under condition 11 or future changes in water use indicate that the consented rate or volume is not able to be fully utilised; or
4. determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
5. ensuring the conditions of this consent are consistent with any National Environmental Standards, Regulations, relevant plans and/or the Otago Regional Policy Statement; or
6. adjusting or altering the method of water take data recording and transmission.
7. In the event that the weir structure is altered or reconstructed (other than routine maintenance of the existing structure) compliance with condition 4 must be confirmed to ensure that the residual flow is maintained at 90 litres per second through the new structure.

**Notes to Consent Holder**

1. *Water may be taken at any time for reasonable stock water and domestic supply purposes.*
2. *The Consent Holder shall be responsible for obtaining any relevant information on minimum flows in the Luggate Creek to ensure compliance with Conditions 9 and 10.*
3. *If you require a replacement water permit upon the expiry date of this water permit, any new application should be lodged at least 6 months prior to the expiry date of this water permit. Applying at least 6 months before the expiry date may enable you to continue to exercise this permit until a decision is made on the replacement application. Failure to apply at least 3 months in advance of the expiry date may result in any primary allocation status being lost. A late application may result in the application being treated as supplementary allocation if any such allocation is available.*
4. *The consent holder must note that Plan Change 6A of the Regional Plan Water requires the control of farm contaminants in runoff and leaching of nutrients to groundwater. If such discharges are managed such that the thresholds in schedule 16A are not met by 1 April 2020 then consent will be required for the discharge of contaminants. Information about on farm nutrients must also be kept as of May 2014 for providing inputs to OVERSEER version 6 which models leaching of nutrients to groundwater. For other information about obligations under Plan Change 6A refer to the ORC website.*

Issued at Dunedin this day of

Joanna Gilroy

Manager Consents