

## **WATER PERMIT**

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

**Name:** Luggate Irrigation Company Limited

**Address:** C/- Gallaway Cook Allan, 276 Princess Street, Dunedin

**Purpose:** To take and use water as primary and supplementary allocations from Luggate Creek and Alice Burn for the purposes of irrigating up to 293 hectares of land, animal drinking water and communal domestic supply.

**Term:** Expiring 12 April 2045.

### **Location of Point of Abstraction:**

- Site 1: Approximately 1.74 km west of the intersection of Kingan Road and Luggate Cromwell Road (State Highway 6).
- Site 2: Approximately 2.00 km west of the intersection of Kingan Road and Luggate Cromwell Road (State Highway 6).

**Legal Description of land at point of abstraction:** Lot 1 DP 534249 Section 1 SO 300466.

**Legal Description of land(s) where water is to be used:** Various within the Luggate Irrigation Company Limited Command Area, as shown on the plan attached as Appendix 1 to this consent.

### **Map Reference at Point of Abstraction:**

- Site 1: NZTM 2000 E1302961 N5037944
- Site 2: NZTM 2000 E1302755 N5037562

### **Conditions**

#### **Rates and Volumes of Abstraction**

1. This resource consent does not commence until 2 October 2021.
2. If this resource consent is not given effect to within a period of two years from its date of commencement it must lapse under Section 125 of the Resource Management Act 1991.
3. The take and use of surface water as primary and supplementary allocation from Luggate Creek and Alice Burn must be carried out in accordance with the plans and all information submitted with the application in September 2018 as amended by the "Amendment of Application" letter from Gallaway Cook Allan dated 19 September 2019.
4. If there are any inconsistencies between the plans and information referred to in Condition 3 and the conditions of this resource consent, the conditions of this resource consent prevail.
5. The rates and volumes of abstraction must not exceed the values set out in "Table 1: Authorised Abstractions" and the primary and supplementary abstractions must not cause the flow in Luggate Creek to fall below the respective primary and supplementary minimum flows at the SH6 flow monitoring site (located at map reference NZTM 2000:E1304656 N5038199).

**Table 1: Authorised Abstractions**

	Primary Allocation	First Supplementary Allocation	Second Supplementary Allocation	Total
<b>Irrigation</b>				
Maximum abstraction rate (L/s)	77.5	27	42	n/a
Maximum monthly volume (m <sup>3</sup> )	192,092	269,660		461,752
Maximum annual volume (m <sup>3</sup> )	918,620	1,225,170		2,143,790
Minimum flow (L/s)				
1 November to 30 April	180	788	1038	n/a
1 May to 30 October	500	788	1038	
<b>Animal drinking water</b>				
Maximum abstraction rate (L/s)	1.5	n/a		
Maximum monthly volume (m <sup>3</sup> )	4,018			
Maximum annual volume (m <sup>3</sup> )	48,216			
Minimum flow (L/s)	n/a			
<b>Communal Domestic Needs</b>				
Maximum abstraction rate (L/s)	8.0	n/a		
Maximum monthly volume (m <sup>3</sup> )	21,427			
Maximum annual volume (m <sup>3</sup> )	182,500			
Minimum flow (L/s)	n/a			

**Residual Flows**

6. The consent holder must maintain a residual flow of no less than 100 litres per second in the North Branch Luggate Creek immediately downstream of the intake weir (NZTM 2000 E1302961 N5037944).
7. The consent holder must maintain a residual flow in the Alice Burn immediately downstream of the intake weir (NZTM 2000 E1302755 N5037562) that visually connects to the confluence with the North Branch Luggate Creek.
8. Prior to the exercise of this resource consent, the consent holder must install, maintain and calibrate a water monitoring staff gauge to enable the determination of the residual flow specified in Condition 6.

## **Fish Screen**

9. With three months following the commencement of this resource consent, a fish screen must be designed, installed and maintained in sound working order across the full width of the water race, at a location approximately 10 m upstream of the flow measuring flume, that meets the following requirements:
  - (a) A mesh size or maximum slot width of 3 mm;
  - (b) A calculated average through-screen velocity not exceeding 0.12 m/s if a self-cleaning mechanism is in place; and
  - (c) The sweep velocity parallel to the face of the screen must exceed the design approach velocity.
10. Prior to installation of fish screen required under Condition 9 the consent holder must submit a report prepared by a suitably qualified and experienced person to the Consent Authority, for certification that contains:
  - (a) Fish screen design plans;
  - (b) Confirmation that the criteria in Condition 9 will be met; and
  - (c) A fish screen maintenance schedule.
11. If the fish screen required by Condition 9 is not self-cleaning then any detritus that accumulates on the fish screen must be manually removed at least once every seven days.
12. The consent holder must keep records all inspections and maintenance of the intake and fish screen and the records must be provided to the Consent Authority annually and also supplied upon request.

## **Abstraction Reductions at Times of Low flow**

13. Prior to the exercise of this resource consent, the consent holder must develop a Low Flow Rationing Agreement for the Luggate Catchment in collaboration with the holders of Consent Numbers RM16.093.01 and RM18.345.02. The objective of the Agreement is to manage abstractions within the catchment at all times of low flows to ensure compliance with the minimum flows in Table 1. The Agreement must include (but not be limited to) the following:
  - (a) A Communications protocol between the consent holder and the holders of Consent Numbers RM16.093.01 and RM18.345.02 for reducing abstractions to ensure compliance with the Table 1 minimum flows as catchment flows drop;
  - (b) Giving priority to providing communal domestic supply first in terms of meeting minimum flow requirements;
  - (c) A specified flow level (or levels) which triggers the reduction of abstractions;
  - (d) An agreed abstraction reduction methodology (e.g. 1:1 flow sharing, pro-rata reductions, or stepped reductions); and
  - (e) A process for notifying the Consent Authority when the abstraction reductions trigger flow level or levels are met and for the regular reporting of abstraction reduction actions when flows are below the trigger level (or levels).
14. The Low Flow Rationing Agreement is to be provided to the Consent Authority for certification that it appropriately meets the objective set out in Condition 13, and that the low flow trigger level or levels set under Condition 13(b) are appropriate.
15. The consent holder must review and update the Low Flow Rationing Agreement at three yearly intervals. Each updated Agreement must be provided to the Consent Authority for certification in the month of June of the year in which the review occurs.
16. This resource consent must be exercised in accordance with the certified Low Flow Rationing Agreement.

## Monitoring and Reporting

17. The consent holder must install and maintain a water meter at the point of take with an error accuracy range of +/- 5% over the meter's nominal flow range, a telemetry compatible datalogger with at least 24 months data storage, and a telemetry unit to record the rate (L/s), volume (L), date and time of water taken.
18. Data from the water meter must be provided once daily to the Consent Authority by means of telemetry. The consent holder must ensure data compatibility with the Consent Authority's time-series database.
19. The water meter must be installed according to the manufacturer's specifications and instructions. There must be enough space in the pipe to allow for verification of the accuracy of the meter under Condition 22.
20. The consent holder must ensure the full operation of the water meter, datalogger and telemetry unit at all times during the exercise of this resource consent. All malfunctions of the water meter and/or datalogger and/or telemetry unit during the exercise of this resource consent must be reported to the Consent Authority within 5 working days of their observation and appropriate repairs must be performed within 5 working days. Once the malfunction has been remedied, a 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.
21. The installation of the water meter, datalogger and telemetry unit must be completed to full and accurate operation prior to the exercise of this resource consent. The consent holder must forward a copy of an installation certificate to the Consent Authority within one month of the completed installation.
22. Any mechanical insert water meter must be verified for accuracy annually from the first exercise of this resource consent. Any electromagnetic or ultrasonic flow meter must be verified for accuracy every five years from the first exercise of this consent.
23. Each verification pursuant to condition 22 must be undertaken by a Council approved operator and a Water Measuring Device Verification Form must be provided to the Consent Authority within 5 working days of the verification being performed, and at any time upon request.

## Irrigation Management

24. Within 12 months following the commencement of this resource consent, the consent holder must submit to the Consent Authority for certification a Scheme Management Plan. The objective of the Scheme Management Plan is to ensure the efficiency of use and conveyance of water is improved over time and must include (but not be limited to) the following:
  - (a) A plan identifying the irrigation area at the commencement of this consent with the number of hectares specified;
  - (b) A plan identifying any new areas of irrigation developed after the commencement of this consent with the number of hectares specified;
  - (c) A plan identifying proposed new areas of irrigation still to be developed with the number of hectares specified;
  - (d) A description of water use efficiency or conveyance upgrades that have taken place since the commencement of this consent including any:
    - (i) Upgrades to existing open races which may including piping;
    - (ii) Establishment of any water storage infrastructure;
  - (e) A description of water use efficiency or conveyance upgrades that are planned within the next 3 years and the timeframes proposed for their implementation.
25. The consent holder must review and update the Scheme Management Plan at three yearly intervals. Each updated Plan must be provided to the Consent Authority for certification in the month of June of the year in which the review occurs.

26. On the tenth anniversary of the commencement of this resource consent any areas of new irrigation identified within the initial Scheme Management Plan that have not been developed for irrigation must no longer be developed and the water volume set aside for the undeveloped irrigation area must be surrendered by the consent holder by giving notice to the Consent Authority pursuant to section 138(1) of the RMA.

### **General**

27. The consent holder must 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,
  - (b) the irrigation does not cause surface runoff,
  - (c) leakage from pipes and structures is avoided,
  - (d) the use of water onto non-targeted areas is avoided,
  - (e) irrigation induced soil erosion and soil pugging does not occur, and
  - (f) soil quality is not degraded as a consequence of irrigation

### **Review**

28. The Otago Regional Council 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 resource consent, or within two months of any enforcement action taken by the Otago Regional Council in relation to the exercise of this resource consent, for the purpose of:
- (a) Determining whether the conditions of this resource consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the resource consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the resource consent;
  - (b) Ensuring the conditions of this resource consent are consistent with any National Environmental Standards, relevant plans, and/or the Otago Regional Policy Statement;
  - (c) reviewing the frequency of monitoring or reporting required under this resource consent;
  - (d) Varying the consented rates and volumes of take; residual flows and the SH6 minimum flow; and monitoring, operating and reporting requirements to respond to and implement:
    - (i) the results of monitoring carried out under this resource consent;
    - (ii) water availability, including alternative water sources;
    - (iii) actual water use;
    - (ii) efficiency of water use;
    - (v) surface water allocation limits and minimum flows set out in any future regional plan including any review of the Regional Plan: Water for Otago;
    - (vi) surface water quality limits set out in any future regional plan including any review of the Regional Plan: Water for Otago;
    - (vii) new statutory requirements for measuring, recording or data transmission.

### **Advice Notes to the consent holder:**

1. *The consent holder is responsible for obtaining any relevant information on minimum flows in the Luggate Creek to ensure compliance with Condition 5 and Table 1.*

2. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under Section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined). Primary allocation may be lost if an application is not made at least 6 months prior to the expiry and will be lost if an application is not made at least 3 months prior to expiry. A late application will likely result in the application being treated as supplementary allocation if any such allocation is available.*
3. *The Regional Plan: Water for Otago controls runoff and the leaching of nutrients to groundwater. Consent may be required for those discharges. Information about on farm nutrients must also be kept as of May 2014 for providing inputs to OVERSEER which models leaching of nutrients to groundwater.*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, the Biosecurity Act 1993, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

# Appendix 1: Irrigation Command area

