

File: RM20.079

19 March 2020

Bendigo Station Limited
1460 Tarras-Cromwell
RD3
Cromwell 9383

Via email to: will@landpro.co.nz and grantporter@xtra.co.nz

Dear Sir/Madam

Request for further information under Section 92(1) of the Resource Management Act 1991 – RM20.079.01: Water Permit – To take and use water from the Bendigo Creek as primary allocation for the purpose of irrigation and stock water; and RM20.079.02: To take and use water from the Bendigo Creek as supplementary allocation for the purpose of irrigation and storage.

Thank you for your application for water permits as summarised above.

An initial assessment of your application has been made by both myself and Tonkin and Taylor Limited (“T&T”) who are providing a technical review on behalf of Council’s Resource Science Unit. We have identified a number of information deficiencies and matters for clarification. Response to this is required in order to make the notification decision and a full assessment of the Application. I therefore request the following information in accordance with Section 92(1) of the Resource Management Act 1991 (“the Act”):

1. Regionally Significant Wetlands

Your application does not identify any Regionally Significant Wetlands in the proximity of the site. A review of the Council’s database shows that the Bendigo Wetland is located downstream of the abstraction within the margins of the Clutha River/Mata Au and Lake Dunstan. Please provide an assessment of the actual and potential effects on the Bendigo Wetland and any other Regionally Significant Wetlands?

2. Water race / Conveyance

It is understood that water is conveyed from the point of abstraction throughout the Applicant’s property via a pipeline (formerly an open race). To better understand how water is conveyed, please provide:

- (a) Where the pipeline is located (on an annotated map);
- (b) The total length of pipeline; and
- (c) Estimated losses of water to conveyance.

3. Irrigation infrastructure

You have provided an irrigable areas map in Figure 9 of the Application; however, it is unclear what irrigation infrastructure is proposed. Please confirm what irrigation infrastructure that is proposed?

4. Bywash / Overflow

In Section 2.1 (Figure 8) of your Application, you indicate that overflows from the irrigation pond is discharged back into Bendigo Creek. Please confirm:

- (a) Why is this overflow and discharge necessary?
- (b) Are there alternatives to overflowing/discharging?
- (c) At what rate and volume is water that overflows and discharges into the Bendigo Creek?
- (d) How will water that overflows and discharges into Bendigo Creek be measured?
- (e) What is the coordinate location (in NZTM 2000) for where the water discharges into the Bendigo Creek?
- (f) Does the overflow and discharge comply with relevant permitted rules of the Regional Plan: Water for Otago?

5. Damming of water

You have indicated that water is stored in two ponds throughout the Applicant's property. In your consideration of the status of the Application, you have noted that the ponds are not subject to the provisions of the Regional Plan: Water for Otago ("RPW") as they are located out of the river bed. Although the land use component¹ of the ponds is not subject, the damming of water² is subject to the rules contained within the RPW. Please confirm if the damming of water meets the relevant permitted rules³ of the RPW? I note that if permitted rules cannot be met, you may require an additional water permit application to authorise the damming of water.

6. Supplementary allocation

You have applied to take water as supplementary allocation in accordance with Policy 6.4.9(a) and Restricted Discretionary Rule 12.1.4.7 of the RPW. You have advised that the maximum rate of take will be up to 110 litres per second and water will be abstracted when flows are above 50% of the natural flows. Please provide the following:

- (a) How the Applicant propose to monitor when flows are above 50% of the natural flows?
- (b) Provide a proposed consent condition for ensuring water is only taken when flows are above 50% of the natural flows? I note this may include a proposed minimum flow.
- (c) Confirm how the intake structure will control and limit the abstraction of water so as to not exceed the proposed primary and supplementary limits?

7. Effects on aquatic ecology

Waterway Consulting provided a memorandum which is appended to your AEE. This memorandum provides the result of the fish survey that was undertaken and provides a recommendation for a residual flow (not an assessment of the effects on aquatic ecology). An assessment of effects on aquatic ecology is provided in Section 6.2 of the AEE which has made assumptions based on the memorandum of Waterway Consulting. T&T have reviewed this assessment and consider that this assessment does not provide a sufficient assessment of

¹ Section 13 of the Resource Management Act 1991

² Section 14 of the Resource Management Act 1991

³ Rule 12.3.2.1 of the Regional Plan: Water for Otago

effects on aquatic ecology. Please provide an updated assessment of effects on aquatic ecology from a suitably qualified ecologist that:

- (a) Outlines the actual and potential effects of the abstraction on aquatic ecology when considering it against the receiving environment⁴. Matters to be considered in this might include (but not limited to): specific residual and low flow rates, periphyton, macroinvertebrates, dissolved oxygen, temperature, and residual flows necessary to maintain the life supporting capacity of the creek; and
- (b) Provides a recommendation for any residual flow (in flow rate) and identifies how this will flow will maintain aquatic ecosystem and natural character values of the watercourse.

8. Residual flow

In Section 6.2 of your AEE you indicate that a visual residual flow is proposed. It is unclear how this will be maintained and monitored. Please confirm how the proposed residual flow is to be monitored?

9. Fish screen

You have proposed to install a fish screen on the intake structure. Please provide details of the fish screens design? I note this may be incorporated in the response to Question 5.

10. Plan Change 7

On 18 March 2020, the Council notified proposed Plan Change 7 (Water Permits Plan Change). This plan change introduces additional objectives, policies and rules in relation water permit applications to take and use water from lakes, rivers and connected groundwater. As the provisions relate to freshwater, they take immediate legal effect⁵. Your application was lodged prior to this plan change; therefore, the application will continue to be considered under the rules of the operative plan in accordance with Section 88A of the Act. However, the notified objectives and policies must be considered when making the decision on the application⁶. Please provide an assessment of the relevant provision of proposed Plan Change 7?

Your Application will be placed on hold until the requested information has been received in accordance with Section 88C of the Act.

In accordance with Section 92A of the Act, please respond within 15 working days from the date of this letter (**i.e. by Friday 10 April 2020**) with one of the following:

1. The information requested above; or
2. Written advice that you agree to provide the information, and the date by which you intend to provide it; or

⁴ This does not include the current deemed permits that are being replaced (naturalised not status quo).

⁵ Section 86B(3) of the Resource Management Act 1991

⁶ Section 104(1)(b)(vi) of the Resource Management Act 1991

3. Written advice that you refuse to provide the requested information.

Please note that the Act requires the Council to publicly notify your Application if you do not provide the requested information before the date mentioned above (or an agreed alternative date), or if you refuse to provide the information. It is therefore important that you contact us promptly to discuss an alternative timeframe if you are unable to provide the information within 15 working days of the date of this letter.

Please note that if the provision of the information requested above arises any additional areas of uncertainty or matters requiring further clarification, your Application will remain on hold until sufficient information has been provided to enable processing to continue.

If you have any questions regarding this or any further queries, feel free to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C Horrell', written in a cursive style.

Charles Horrell
Consultant Planner on behalf of Otago Regional Council