

**Otago Regional Council**  
**DIRECTIONS OF THE COMMISSIONER**  
**Pig Burn RM20.039**  
**Minute 2**

**Introduction**

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council (ORC) has delegated to Independent Commissioner Rob van Voorthuysen the function of hearing submissions and deciding on an application made by Pig Burn Gorge Limited, Natasha Lee Burrell, Ian Joseph Burrell and Canterbury Trustees (2016) Limited (being trustees of the Duncan Cleugh Farming Trust), Janine Ruth Smith, En Hakkore Limited, Greenbank Pastoral Limited, Hamilton Runs Limited, Hamiltons Dairy Limited, Concept Farms Limited, Sophic Trust, Christopher Patrick Mulholland and Dale Evelyn Mulholland (applicants) for new water permits replacing deemed permits which allow the take and use of water from the Pig Burn and Harpers Creek for the purpose of domestic supply, stock drinking water supply and irrigation.

**Questions for the S42A Report Author**

- [2] Having read the Section 42A Report I have questions (attached) that I would appreciate written answers to from the report authors prior to the hearing.
- [3] Can the attached questions please also be provided to the applicant and submitters for their information?



Rob van Voorthuysen  
Commissioner  
31 August 2021

### Questions for Ms King

A number of the applicants (including the holders of Takes 3, 5, 6 and 7) utilise water from sources other than the Pig Burn, including the Maniototo East Side Irrigation Scheme and the Sowburn Water Co Ltd. It is therefore important to ensure that there is no 'double counting' of irrigation allocations insofar as the volumes of water granted to those applicants from the Pig Burn should not be sufficient to meet the full annual demand for their respective irrigable areas. In the absence of a detailed assessment of the proportion of annual demand that is met from each water source (which does not appear to have occurred or may not even be possible) this can possibly be achieved by ensuring that no such applicant receives any more than their maximum historical Pig Burn annual volume on the assumption that in the past the volume taken from the Pig Burn would have reflected the volume of water available from the other sources. From Table 6 of the Section 42A Report this appears to be the case for your recommended allocations for Takes 3, 5 and 6 where the recommended annual volume is less than that used historically (Takes 3 and 5) or is based on historical use (Take 7).

- Can you please confirm that this is also the case for Take 6?
- Is there anything else you wish to say about the above issue?

### Questions for Dr Allibone

At your paragraph 37 of your evidence (Appendix 2 to the Section 42A report) you recommend time steps and residual flow increases that you say would reflect the duration of the consent granted.

- Can you please explain the scientific basis for the time steps and the residual flows?
- Can you please explain the scientific rationale for linking residual flows to consent duration when those flows are designed to protect the health and well-being of the Pig Burn and its freshwater ecosystem, both of which are independent of consent duration?
- Can you please explain how, if residual flows are eventually required to be set at 30 L/s, not imposing those residual flows immediately would be giving effect to Objective 2.1 of the NPSFM 2020?