

Ref: DOCCM-6361452

13 July 2020

Otago Regional Council
Private Bag 1954
DUNEDIN

Attn: Resource Consents Administration

Tena koe,

SMALLBURN Ltd – WATER CONSENT 96321.V1 – ADVISORY LETTER

The purpose of this letter is to outline issues from the Department of Conservation (DOC) with the information and proposed conditions provided in Smallburn Ltd's recent notified application for the taking of water from the Park Burn catchment and Five Mile Creek for the purpose of irrigation and stock water, consent application RMA96321.V1.

Note this is an advisory letter, not a formal RMA submission, but I would request that this letter be provided to the Hearing Commissioner or Staff Consents Panel, to note the following matters:

Amisfield Burn

Will Nicolson, the applicant's agent has discussed with Herb Familton (DOC Planner) about the Smallburn application, and he's indicated that pending the addition of a residual flow condition on the Amisfield Burn replacement consent (currently 96321.V1) DOC was willing to consider withholding submission on the application. That condition is:

"The consent holder shall maintain a visual residual flow immediately downstream of the waterfall below the Amisfield Burn intake, at approx. NZTM 1300939E 5018657N"

The applicant has indicated they would be satisfied with this condition. Kirsten Lindsay, from Southern Planning Solutions Ltd, acting for ORC as a consent officer in an email to Will Nicolson and Herb Familton dated Wednesday 8 July has indicated that:

"You can certainly offer it as a condition of consent and I can recommend that it be assessed as part of the application and, subject to the support from RSU, included as a condition. However, I am only making a recommendation and it would still need to be approved by a commissioner (if going to a hearing) or the Staff Consents Panel (if decided under delegated authority)."

Five Mile Creek, Breakneck Creek and unnamed tributary of Park Burn

To provide for freshwater values and overall ecosystem health, I would also recommend that the Hearing Commissioner/ Staff Consent Panel also consider the following two matters:

- Support the application's request for Council to determine how best to ensure only retake water within Five Mile Creek and the unnamed tributary of Park Burn is taken and any natural flow remains. I suggest appropriate hydrological advice be taken on this matter, and
- Request consideration be given for the provision of an appropriate residual flow under the Regional Plan Water for Otago Policy 6.4.7 immediately downstream of the Breakneck Creek intake.

Please contact Herb FAMILTON (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this letter (email hfamilyton@doc.govt.nz or phone 027 5367 037).

Naku noa, na



Mike Tubbs
Operations Manager
Central Otago / *Te Haehae Maona*