

Our Reference: A1370777

Consent No. RM20.007.01

## **WATER PERMIT**

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

Name: Smallburn Limited

Address: ICL Limited, Level 1, 69 Tarbert Street, Alexandra

To take and use surface water as primary allocation from the Amisfield Burn, Breakneck Creek and the Park Burn for the purpose of irrigation and stock water supply

For a term expiring 31 October 2035

Location of Point of Abstraction: Site 1: Breakneck Creek, approximately 4.2 kilometres northwest of the intersection of Luggate-Cromwell Road (State Highway 6) and Mt Pisa Road, Pisa Moorings  
Site 2: Amisfield Burn, approximately 4.5 kilometres west northwest of the intersection of Luggate-Cromwell Road (State Highway 6) and Mt Pisa Road, Pisa Moorings  
Site 3: Park Burn, approximately 4.5 kilometres west northwest of the intersection of Luggate-Cromwell Road (State Highway 6) and Smiths Way, Pisa Moorings

Legal Description of land at the points of abstraction: Lot 3 DP 343853

Legal Description of land where water is to be used: Lot 4 DP 481936

Map Reference at points of abstraction: Site 1 (Breakneck Creek): NZTM 2000 E1301345 N5019169  
Site 2 (Amisfield Burn): NZTM 2000 E1300945 N5018568  
Site 3 (Park Burn): NZTM2000 E1300170 N5017299

### **Conditions**

#### **Specific**

1. The take and use of surface water as primary allocation from the Amisfield Burn, Breakneck Creek and the Park Burn at the map references specified above and the land legally described above for irrigation and stock water supply must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM20.007

- a. Application form, and assessment of environmental effects prepared by Landpro Limited dated 14 January 2020
- b. Soil map and efficient water use calculations – Landpro Limited
- c. Amisfield Burn hydrology report – Landpro Limited dated 28 May 2019
- d. Fish survey and residual flow report – Waterways Consulting Limited dated May 2019

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This permit must not commence until Deemed Permit 96230, Deemed Permit 96321, Deemed Permit RM15.007.01 and Deemed Permit 94394 have been surrendered or have expired.
3. The rate of abstraction as primary allocation must not exceed:
  - i. a combined total of 97.3 litres per second from Breakneck Creek and the Amisfield Burn;
  - ii. 92.3 litres per second from the Park Burn
  - iii. 546,184 cubic metres per month; and
  - iv. 2,640,354 cubic metres in each 12 month period, commencing 1 July of any year and ending 30 June of the following year.
4. Prior to exercising this consent, the Consent Holder must install a fish screen at the outflow of the storage reservoir located at NZTM 2000 E1300763 N5013720 on Lot 4 DP 481936 to avoid fish ingress and uptake that complies with the following:
  - a) The maximum water velocity into the entry point of the intake structure is no greater than 0.12 millimetres per second;
  - b) The apertures on the intake screen are no greater than 3 millimetres side-of-square or no greater than 2 millimetres bar or slot width.

The fish screen must be fully functional at all times and maintained in good working order. Records must be kept of all inspections and maintenance and these should be made available to the Consent Authority, on request. If the fish screen is damaged and cannot be repaired or replaced immediately, the outflow must be shut down.
5.
  - (a) No more than 50 percent of the flow of the Amisfield Burn and Breakneck Creek must be taken at any one time; and
  - (b) A continuous connected residual flow must be maintained at all times immediately downstream of the point of take on the Amisfield Burn at NZTM 2000 E1300937 N5018672 to the waterfall at approximately NZTM 2000 E1300939 N5018657.
  - (c) Subject to any relevant resource consents, the Consent Holder must modify their intake structures to ensure that no more than 50 percent of the flow of the Amisfield Burn and Breakneck Creek is taken at any one time.
  - (d) The Consent Holder must take photographs of the residual flows at locations agreed with the Consent Authority every two weeks during the exercise of this consent. These photographs must be provided to the Consent Authority by 31 July each year. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.
6.
  - (a) A continuous connected residual flow must be maintained at all times immediately downstream of the point of take on the Park Burn at E1300170 N5017299 for a distance of approximately 150 metres to the stream crossing at NZTM 2000 E1300309 N5017535.

(b) The Consent Holder must take photographs of the residual flow at locations agreed with the Consent Authority every two weeks during the exercise of this consent. These photographs must be provided to the Consent Authority by 31 July each year. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

### Performance Monitoring

7. a. Prior to the first exercise of this consent, the Consent Holder must ensure that water meter WM0952 located at NZTM 2000 E1300971 N5018554 and approved by WEX0123 and water meter WM0964 located at NZTM2000 E1300294 N5017299 and approved by WEX0124 measure the rate and the volume of water taken to within an accuracy of +/- 10% over the meter's nominal flow range. The water meters must be capable of output to a datalogger.
- ii. A datalogger that time stamps a pulse from the flow meter at least once every 15 minutes and have the capacity to hold at least twelve months data of water taken.
- iii. A telemetry unit which sends all of the data to the Consent Authority.
- b. Provide telemetry data once daily to the Consent Authority. The Consent Holder must ensure data compatibility with the Consent Authority's time-series database and conform with Consent Authority's data standards.
- c. Within 20 working days of the installation of the water meter / datalogger/ telemetry unit, any subsequent replacement of the water meter / datalogger/ telemetry unit and at annual intervals thereafter, and at any time when requested by the Council, the Consent Holder must provide written certification to the Consent Authority signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:
- i. Each device is installed in accordance with the manufacturer's specifications;
- ii. Data from the recording device can be readily accessed and/or retrieved in accordance with the conditions above; and
- iii. that the water meter has been verified as accurate.
- d. The water meter / datalogger / telemetry unit must be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.
- e. All practicable measures must be taken to ensure that the water meter and recording device(s) are fully functional at all times.
- f. The Consent Holder must ensure the water meter returns accurate readings at all times including by routinely checking the device and removing any ice or debris build up.
- g. The Consent Holder must report any malfunction of the water meter / datalogger/ telemetry unit to the Consent Authority within 5 working days of observation of the malfunction. The malfunction must be repaired within 10 working days of observation of the malfunction and the Consent Holder must provide proof of the repair, including photographic evidence, to the Consent Authority within 5 working days of the completion of repairs. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

Note: the water meter, data logger and telemetry unit should be safely accessible by the Consent Authority and its contractors at all times. The Water Measuring Device Verification Form and Calibration Form are available on the Consent Authority's website.

8. A water use efficiency report must be provided to the Consent Authority by 31 July each year for the period commencing 1 July the previous year and ending 30 June the current year. The report must assess the water use over the previous 12 months in respect of the efficient use of water for the purposes consented. This report must include, but not be limited to:
  - a) Area, crop type, number of harvests per year, and timing;
  - b) Annual summary of water usage (month by month, and related to crops in the ground);
  - c) Reasons why use may have varied from the previous year;
  - d) Information demonstrating irrigation equipment that has been used and decision-making regarding efficiency of use (e.g. soil moisture data, irrigation scheduling, meter accuracy checks, computer control of irrigation) and any changes planned for the coming year;
  - e) Any changes or modifications to irrigation (and water conveyance) infrastructure; and
  - f) Water conservation steps taken.
  
9. a) Within 12 months of the commencement of this resource consent, the Consent Holder must submit a Scheme Management Plan to the Consent Authority for certification. The objective of the Scheme Management Plan is to ensure the efficiency of water use and conveyance of water is improved over time. The Scheme Management Plan must that include, but not necessarily be limited to, the following:
  - i. A plan identifying the irrigation area at the commencement of this consent with the number of hectares specified;
  - ii. A plan identifying any new areas of irrigation developed after the commencement of this consent with the number of hectares specified;
  - iii. A plan identifying proposed new areas of irrigation still to be developed with the number of hectares specified;
  - iv. A description of the measures that have been implemented to improve efficiency of water use or conveyance of water since the commencement of this consent including any:
    - (i) Upgrades to existing open races, including piping; and
    - (ii) Establishment of any water storage infrastructure;
  - v. A description of the measures that are planned to be implemented within the next five years to improve efficiency of water use and conveyance of water, including the timeframes proposed for their implementation.b) The Consent Holder must review and update the Scheme Management Plan at five 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.

### **General**

10. The Consent Holder must ensure that at all times:
  - a) There is no leakage from pipes and structures;
  - b) The use of water is confined to targeted areas, as illustrated on the attached plan referenced: RM20.003.01 Irrigated Command Area; and
  - c) That the volume of water used for irrigation does not exceed that required for the soil to reach field capacity and avoids the use of water onto non-productive land such as impermeable surfaces; and
  - d) That irrigation to land must not occur when the moisture content of the soils is

at or above field capacity.

Note: Field Capacity is the amount of water that is able to be held in the soil after excess water has run off.

11. Prior to the first exercise of this consent, the Consent Holder, the Consent Holder must install a backflow prevention device to ensure water and/or contaminants cannot return to the water source.

### **Review**

12. 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 three months of each anniversary of the commencement of this consent or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purpose of:
  - a) 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 which becomes evident after the date of commencement of the consent;
  - b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement;
  - c) Reviewing the frequency of monitoring or reporting required under this consent;
  - d) Amending the monitoring programme set out in accordance with Condition 4;  
or
  - e) Varying the consented instantaneous rate of abstraction, annual abstraction volume, residual flow, monitoring, operating and reporting requirements, and performance requirements to respond to:
    1. the results of previous monitoring carried out under this consent;
    2. water availability, including alternative water sources;
    3. actual water use;
    4. efficiency of water use;
    5. surface water allocation limits and minimum flows set out in any future regional plan, including any review of the Regional Plan: Water for Otago;
    6. surface water quality limits set out in any future regional plan, including any review of the Regional Plan: Water for Otago;
    7. new statutory requirements for measuring, recording or data transmission.

### **Notes to Consent Holder**

1. *Water may be taken at any time for reasonable domestic or stock water purposes where and the taking or use does not, or is not likely to, have an adverse effect on the environment in accordance with Section 14 of the Resource Management Act 1991.*
2. *Under section 125 of the RMA, this consent lapses 2 years after the date it is granted unless:*
  - a. *The consent is given effect to; or*
  - b. *The Consent Authority extends the period after which the consent lapses.*
3. *Section 126 of the Resource Management Act 1991 provides that the Consent Authority may cancel this consent by written notice served on the Consent*

*Holder if the consent has been exercised in the past but has not been exercised during the preceding five years.*

4. *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 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.*
5. *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, the Conservation Act 1987, 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 at Work Act 2015), 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.*
6. *Where information is required to be provided to the Consent Authority, this is be provided in writing to [watermetering@orc.govt.nz](mailto:watermetering@orc.govt.nz), and the email heading is to reference RM20.007.01 and the condition/s the information relates to.*
7. *The Consent Holder will be required to pay the Consent Authority an annual administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*
8. *The consent holder must be aware of any rules that relate to the control of farm contaminants in runoff and leaching of nutrients to groundwater in relevant Otago regional plans. For current obligations under the regional plans, refer to the Otago Regional Council website or contact the Council on 0800 474 082.*
9. *It is the responsibility of the consent holder to ensure that the water abstracted under this resource consent is of suitable quality for its intended use. Where water is to be used for human consumption, the consent holder should have the water tested prior to use and should discuss the water testing and treatment requirements with a representative of the Ministry of Health and should consider the following Drinking Water Standards: Drinking Water Standards for New Zealand 2005 (Revised 2018).*

Issued at Dunedin this day of

Joanna Gilroy  
**Manager Consents**

Our Reference: A1370777

Consent No. RM20.007.02

## WATER PERMIT

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

Name: Smallburn Limited

Address: ICL Limited, Level 1, 69 Tarbert Street, Alexandra

To retake and use surface water from Five Mile Creek and an unnamed tributary of the Park Burn and the retake of primary allocation water from two storage reservoirs for the purpose of irrigation and stock water supply

For a term expiring 31 October 2035

Location of Point of Abstraction: Site 1: Unnamed tributary of the Park Burn, approximately 3.6 kilometres west of the intersection of Luggate-Cromwell Road (State Highway 6) and Smiths Way, Pisa Moorings  
Site 2: Five Mile Creek, approximately 4.1 kilometres west southwest of the intersection of Luggate-Cromwell Road (State Highway 6) and Smiths Way, Pisa Moorings  
Site 3: Large dam - Lot 4 DP 481936  
Site 4 Small Dam- Lot 4 DP 481936

Legal Description of land at point of abstraction: Site 1: Lot 3 DP 343853  
Site 2: Lot 4 DP 481936

Legal Description of land where water is to be used: Lot 4 DP 481936

Map Reference at point of abstraction: Site 1 (Unnamed tributary of the Park Burn): NZTM 2000 E1301017 N5016576  
Site 2 (Five Mile Creek) NZTM 2000 E1300507 N5015359  
Site 3: Large dam: NZTM 2000 E1300763E N5013720  
Site 4: Small dam: NZTM 2000 E1301110E N5012700.

### Conditions

#### Specific

1. The retake and use of surface water from the Park Burn and Five Mile Creek and the retake of primary allocation water from two storage reservoirs at the map references specified above and the land legally described above for irrigation and stock water supply must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM20.007
  - a. Application form, and assessment of environmental effects prepared by

Landpro Limited dated 14 January 2020

b. Soil map and efficient water use calculations – Landpro Limited

c. Amisfield Burn hydrology report – Landpro Limited dated 28 May 2019

d. Fish survey and residual flow report – Waterways Consulting Limited dated May 2019

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. (a) The retake from the unnamed tributary of the Park Burn must not exceed 97.3 litres per second  
(b) The retake from Five Mile Creek must not exceed 189.6 litres per second
3. A continuous connected residual flow must be maintained at all times immediately downstream of the point of take on the unnamed tributary of the Park Burn at NZTM 2000 E1301017 N5016576 for a distance of approximately 140 metres to the creek crossing downstream of the point of take (map reference TBC by applicant).

### **Performance Monitoring**

4. a. Prior to the first exercise of this consent, the Consent Holder must install a:
  - i. Water meter that will measure the rate and the volume of water taken to within an accuracy of +/- 10% over the meter's nominal flow range within Five Mile Creek at NZTM2000 E1300507E N5015359. The water meter must be capable of output to a datalogger.
  - ii. A datalogger that time stamps a pulse from the flow meter at least once every 15 minutes and have the capacity to hold at least twelve months data of water taken.
  - iii. A telemetry unit which sends all of the data to the Consent Authority.
- b. Provide telemetry data once daily to the Consent Authority. The Consent Holder must ensure data compatibility with the Consent Authority's time-series database and conform with Consent Authority's data standards.
- c. Within 20 working days of the installation of the water meter / datalogger/ telemetry unit, any subsequent replacement of the water meter / datalogger/ telemetry unit and at annual intervals thereafter, and at any time when requested by the Council, the Consent Holder must provide written certification to the Consent Authority signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:
  - i. Each device is installed in accordance with the manufacturer's specifications;
  - ii. Data from the recording device can be readily accessed and/or retrieved in accordance with the conditions above; and
  - iii. that the water meter has been verified as accurate.
- d. The water meter / datalogger / telemetry unit must be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.
- e. All practicable measures must be taken to ensure that the water meter and recording device(s) are fully functional at all times.
- f. The Consent Holder must ensure the water meter returns accurate readings at all times including by routinely checking the device and removing any ice or debris build up.
- g. The Consent Holder must report any malfunction of the water meter / datalogger/ telemetry unit to the Consent Authority within 5 working days of observation of the malfunction. The malfunction must be repaired within 10 working days of observation of the malfunction and the Consent Holder must provide proof of the repair, including photographic evidence, to the Consent



Authority within 5 working days of the completion of repairs. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

Note: the water meter, data logger and telemetry unit should be safely accessible by the Consent Authority and its contractors at all times. The Water Measuring Device Verification Form and Calibration Form are available on the Consent Authority's website.

## Review

5. 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 three months of each anniversary of the commencement of this consent or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purpose of:
  - a) 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 which becomes evident after the date of commencement of the consent;
  - b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement;
  - c) Reviewing the frequency of monitoring or reporting required under this consent;
  - d) Amending the monitoring programme ; or
  - e) Varying the consented instantaneous rate of abstraction, annual abstraction volume, residual flow, monitoring, operating and reporting requirements, and performance requirements to respond to:
    1. the results of previous monitoring carried out under this consent;
    2. water availability, including alternative water sources;
    3. actual water use;
    4. efficiency of water use;
    5. surface water allocation limits and minimum flows set out in any future regional plan, including any review of the Regional Plan: Water for Otago;
    6. surface water quality limits set out in any future regional plan, including any review of the Regional Plan: Water for Otago;
    7. new statutory requirements for measuring, recording or data transmission.

## Notes to Consent Holder

1. *Water may be taken at any time for reasonable domestic or stock water purposes where and the taking or use does not, or is not likely to, have an adverse effect on the environment in accordance with Section 14 of the Resource Management Act 1991.*
2. *Under section 125 of the RMA, this consent lapses 2 years after the date it is granted unless:*
  - a. *The consent is given effect to; or*
  - b. *The Consent Authority extends the period after which the consent lapses.*
3. *Section 126 of the Resource Management Act 1991 provides that the Consent Authority may cancel this consent by written notice served on the Consent Holder if the consent has been exercised in the past but has not been exercised during the preceding five years.*

4. *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 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.*
5. *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, the Conservation Act 1987, 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 at Work Act 2015), 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.*
6. *Where information is required to be provided to the Consent Authority, this is to be provided in writing to [watermetering@orc.govt.nz](mailto:watermetering@orc.govt.nz), and the email heading is to reference RM20.003 and the condition/s the information relates to.*
7. *The Consent Holder will be required to pay the Consent Authority an annual administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*
8. *The consent holder must be aware of any rules that relate to the control of farm contaminants in runoff and leaching of nutrients to groundwater in relevant Otago regional plans. For current obligations under the regional plans, refer to the Otago Regional Council website or contact the Council on 0800 474 082.*
9. *The Consent Holder is advised that water supplied for human consumption may also need to meet the requirements of the Health Act 1956, the Drinking Water Standards for New Zealand 2005 (Revised 2018), and any other Ministry of Health requirements.*
10. *It is the responsibility of the consent holder to ensure that the water abstracted under this resource consent is of suitable quality for its intended use. Where water is to be used for human consumption, the consent holder should have the water tested prior to use and should discuss the water testing and treatment requirements with a representative of the Ministry of Health and should consider the following Drinking Water Standards: Drinking Water Standards for New Zealand 2005 (Revised 2018).*

Issued at Dunedin this day of

Joanna Gilroy  
**Manager Consents**

