

**Otago Regional Council**  
**DIRECTIONS OF THE COMMISSIONER**  
**Smallburn Limited RM20.007.01 and 02**  
**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 Smallburn Limited RM20.007.01 and 02

**Questions for the S42A Report Author**

- [2] Having read the Section 42A Report I have several questions (attached) that I would appreciate written answers to from the report author 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  
21 August 2020

## Questions for the S42A Report author

Page	Section	Question
<b>Kirstyn Lindsay</b>		
18	5.1	<p>Section 2.2 page 10 of the RCA describes flood irrigation on approximately 23 ha directly below the race directly prior to entering the storage pond; 24 ha of irrigation via K-Line with a further 49 ha proposed for conversion to K-Line; and 187 ha currently irrigated via pivot with a further 36 ha to be irrigated via a proposed new pivot. This yields 234ha of current irrigation and 85ha proposed new irrigation for a total of 319ha.</p> <p>However, Appendix D of the RCA has different figures:</p> <ul style="list-style-type: none"> <li>▪ 284.4ha of existing irrigation</li> <li>▪ 36.1 of proposed irrigation</li> <li>▪ 320.5ha total</li> </ul> <p>I assume your figure of 320ha derives from Appendix D of the RCA?</p> <p>Can you please liaise with the applicant and advise what the existing irrigated area is and what the proposed area of new irrigation is?</p>
24	7.1.1	<p>My reading of the RCA and the applications of RWL and PHL yield:</p> <p>Park Burn at 333.2 L/s: Smallburn Limited at 249.8 L/s (permits RM15.007.01 and 94394), Rockburn Wines Limited at 27.8 L/s (permit 98526) and Mark II at 55.6 L/s (permit 93177).</p> <p>Amisfield Burn at 291.7 L/s: Smallburn Limited at 41.7 L/s (Permit 96321.V1), Lowburn Land Holdings LP at 83.3 L/s (Permit 97232) and Pisa Holdings Limited et al at 166.7 L/s (Permit 95789).</p> <p>My figures may not be correct as the multi-consent holder regime is complex. Can you please double check your figures and liaise with the applicant and advise what the sum of the consented primary allocation takes are?</p>
39	7.6.2.3	<p>In light of Policy 10A.2.1(b) of PPC7 to the RPWO and your detailed assessment of PPC7 in section 8.11 of your report, is it appropriate to allocate irrigation water for land that is not currently irrigated?</p> <p>If you consider that it is, can you please explain why?</p>
<p>In section 2.5 and Table 3 of the RCA and applicant seeks a maximum Park Burn take of 120 L/s for the reasons therein. In recommended condition 3 of RM20.007.01 you recommend a figure of 92.3 L/s.</p> <ul style="list-style-type: none"> <li>▪ Can you please explain the difference and why you have chosen 92.3 L/s?</li> </ul>		
RM20.007.01 Condition 11		<p>Can you please explain the purpose of recommended Condition 11 as in my experience this kind of condition is more applicable to industrial or commercial piped takes from waterbodies?</p>