

Our Reference: A1400995

Consent No. RM20.079.02

## WATER PERMIT

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

Name: Bendigo Station Limited

Address: 1460 Tarras-Cromwell, RD 3, Cromwell

To take and use surface water as a supplementary allocation from Bendigo Creek and to retake and use water from a reservoir for the purpose of irrigation, stock water supply and domestic supply *and operating the Bendigo Station Pond*

For a term expiring 6 years from the commencement date

Locations of Points of  
Abstraction:

**Bendigo Creek:** approximately 5.7 kilometres south east of the intersection of Bendigo Loop Road and Tarras-Cromwell Road (State Highway 7).

**Bendigo Station Pond:** Approximately 4 kilometres south east of the intersection of Bendigo Loop Road and Tarras-Cromwell Road (State Highway 7).

Legal Description of land at point of abstraction:

**Bendigo Creek:** Section 21 SO 24641

**Bendigo Station Pond:** Lot 8 DP 517385

Legal Description of land s where water is to be used: Lot 6 DP 525495, Lot 5 DP 517285, Lot 3 DP 391334, Lot 4 DP 391334, Part Lot 10 DP 391334, Lot 8 DP 517385, Lot 3 DP 459561, Lot 7 DP 517385, Lot 3 DP 525495, Lot 4 DP 525495, Lot 1 DP 525495, Lot 2 DP 525495 and Lot 6 DP 517385

Map References at points of abstraction:

Bendigo Creek: NZTM 2000: E1314483 N5018116

Bendigo Station Pond: NZTM 2000: E1313447 N5019532

## Conditions

### Specific

1. a) The take and use of surface water as supplementary allocation from Bendigo Creek and the retake and use of water from a reservoir for the irrigation of ~~182.4~~ hectares, stock water supply and domestic supply at the map references and land legally described above 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 RM20.079:
  - i. The application and supporting information received by the Consent Authority on 10 March 2020 and addendums to application made on 22 May 2020 and 8 October 2020;
  - ii. Further information response received on 14 May 2020; and
  - iii. Hearing evidence [Date] Month 2020.

- b) If there are any inconsistencies between any conditions of this consent and the application, the conditions of consent must prevail.
2. ~~This Consent must only be exercised in conjunction with Water Permit RM20.079.01.~~
32. The rate of abstraction as supplementary allocation must not exceed:
- a) 100 litres per second when flows in Bendigo Creek at NZTM 2000 E1314218 N5018598 are at or above 150 litres per second;
  - b) 110 litres per second when flows in Bendigo Creek at NZTM 2000 E1314218 N5018598 are at or above 2450 litres per second;
  - c) 160 litres per second combined with Water Permit RM20.079.01 when flows in Bendigo Creek at NZTM 2000 E1314218 N5018598 are at or above ~~430-6250~~ litres per second;
43. The combined volume of abstraction from Bendigo Creek in conjunction with RM20.079.01 must not exceed:
- a) 235,948 cubic metres per month; and
  - b) 1,054,714 cubic metres in each 12-month period, commencing 1 July of any year and ending 30 June of the following year.
54. This consent must not be exercised when flows in Bendigo Creek at NZTM 2000: E1314218 N5018598 are below 150 L/s.

### Performance Monitoring

65. a) ~~Prior to the first exercise of this consent, t~~The Consent Holder must at their own expense, ~~install,~~ operate and maintain a river flow recorder (sensor, logger, and associated equipment) within 20 metres of NZTM 2000 E1314218 N5018598;
- b) Within 3 months of *the commencement of this consent* ~~installing the recorder,~~ and then at a minimum of five yearly intervals, the location, structures and equipment to be used for the purpose of determining flows as required by Condition 6(a) must be verified and provide written certification to the Consent Authority assigned by a suitably qualified and experienced person and demonstrating by means of a clear diagram, that:
- i. the recorder 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 recorder has been verified as accurate.
- c) The Consent Holder shall provide evidence of the verification required by Condition ~~65~~(b) in writing to the Consent Authority within one month of the verification being completed.
- d) All malfunctions of the flow recorder during the exercise of this consent shall be repaired and reported to the Consent Authority within 5 working days of discovery by the Consent Holder or notification to the Consent Holder. In the event of an equipment malfunction the consent holder must cease the taking of supplementary allocation.
- e) The recorder must be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.
- f) The Consent Holder must ensure the recorder returns accurate readings at all times including by routinely checking the device and removing any ice or debris build up.

- g) The flow recorder and the surrounding waterway must be available at all reasonable times for inspection by the Consent Authority for the purposes of assessing compliance with the conditions of this consent.
- h) The flow recorder must record water flow at intervals of 15 minutes or less, and must update data at least daily to a database which is accessible to authorised users, including the Consent Authority.
76. a) ~~Prior to the first exercise of this consent, t~~The Consent Holder must ~~install~~ *maintain*:
- i. Water meter that will measure the rate and the volume of water taken to within an accuracy of +/- 5% over the meter's nominal flow range. 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 has 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 5-yearly 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 of any physical repairs, 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.

## Review

87. 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 resource consent within three months of each anniversary of the commencement of this resource consent or within

two months of any enforcement action taken by the Consent Authority in relation to the exercise of this resource consent, for the purpose of:

- a) Determining whether the conditions of this resource consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the resource consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the resource consent;
- b) Ensuring the conditions of this resource consent are consistent with any National Environmental Standards, relevant plans, and/or the Otago Regional Policy Statement;
- c) Reviewing the frequency of monitoring or reporting required under this resource consent;
- d) Reducing the consented instantaneous rate of abstraction, maximum monthly abstraction volume, and/or maximum annual abstraction volume (Condition 3); altering the minimum flow (Condition 52); and/or changing the monitoring, operating, and reporting requirements (Conditions 56 and 67), in response to and/or to implement:
  - i. the results of monitoring carried out under this resource consent;
  - ii. water availability, including alternative water sources;
  - iii. actual water use;
  - iv. efficiency of water use;
  - v. surface water allocation limits and minimum flows set out in any future regional plan, including any review of the Regional Plan: Water for Otago;
  - vi. surface water quality limits set out in any future regional plan, including any review of the Regional Plan: Water for Otago; and/or
  - vii. new statutory requirements for measuring, recording or data transmission.
- e) Imposing a minimum flow restriction as a condition on this resource consent if and when an operative regional plan sets a minimum flow for the catchment.

#### **Notes to Consent Holder**

1. *Note: the water meter, data logger, telemetry unit and river flow recorder must 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.*
2. *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.*
3. *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*
4. *For the purposes of Condition 65, 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.*

5. *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.*
6. *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.*
7. *Under section 125 of the RMA, this consent lapses five 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.*
8. *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 RM20.079.01 and the condition/s the information relates to.*
9. *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.*
10. *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 and National Environmental Standards.*
11. *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.*
12. *This Consent may be exercised in conjunction with Water Permit RM20.079.01.*

