

Our Reference: A1400996

Consent No. RM20.079.03

WATER PERMIT

Pursuant to Section 104B 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 dam water within a reservoir for the purpose of irrigation, stock water supply and domestic supply

For a term expiring 15 years from the commencement of this consent

Location of Damming: 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 damming: Lot 8 DP 517385

Map Reference at point of damming: NZTM 2000: E1313447 N5019532

Conditions

Specific

1. a) The damming of water within a reservoir at the map references, *as shown in **Appendix 1*** 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. Additional application received by the Consent Authority on 26 May 2020 and addendum provided 11 June 2020;
 - iii. Further information response received on 14 May 2020; and
 - iv. 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. ~~Water taken and used by this consent must be restricted to surface water contained within the reservoir identified as "inner pond" as shown in **Appendix 1**.~~
 3. The maximum volume of water impounded must not exceed 53,820 cubic metres.
 4. ~~The Consent Holder must immediately notify the Consent Authority if the Consent Holder has reasonable grounds for considering that the dam is, or has become, dangerous.~~

Performance Monitoring

53. a) Within the first anniversary of the exercise of this consent, and every 5 years thereafter, the Consent Holder must review the dam's classification.
- b) The Consent Holder must also review the dam's classification if, at any time:
- i. any building work that requires a building consent is carried out on the dam; and
 - ii. the building work results, or could result, in a change to the potential impact of a failure of the dam on person, property, or the environment.
- c) In reviewing the classification of the dam, the Consent Holder must:
- i. apply the criteria and standards for dam safety set out in the New Zealand Dam Safety Guidelines 2015 published by the New Zealand Society of Large Dams (NZSOLD);
 - ii. give the dam one of the following classifications: low potential impact, medium potential impact or high potential impact; and
 - iii. submit the classification of the dam to a Chartered Professional Engineer experienced in dam safety for audit.
- d) Within one month of the review, the consent holder must provide the Consent Authority with the classification given by the consent holder to the dam and a certificate from a **Recognised Engineer** that:
- i. states that the classification of the dam accords with the New Zealand Dam Safety Guidelines 2015; and
 - ii. states that the engineer is a Chartered Professional Engineer experienced in dam safety.
- e) If the review changes the classification of the dam from low potential impact to medium potential impact or high potential impact, the Consent Authority may review the conditions of this consent to impose conditions relating to dam safety. Conditions must be consistent with any relevant National Environmental Standards, Regulations, plans and/or the Otago Regional Policy Statement.

General

6. ~~The dam, spillway and associated structures must be operated and maintained to ensure that, at all times, they are structurally sound, pose no undue risk to human life, property, or the natural environment, and are able to perform satisfactorily their approved design standard.~~
74. The damming of water must not cause flooding, erosion, land instability, sedimentation, or property damage of any other person's property.

Review

85. 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 consent;
- d) Reviewing the need for public liability insurance cover to be held by the Consent Holder;
- e) Reviewing the conditions of this consent to impose conditions relating to dam safety if the potential impact classification of the dam changes from low to medium or low to high, in accordance with Condition 3.

Notes to Consent Holder

1. *For the purposes of Condition 5, a **Recognised Engineer** means: an engineer described in Section 149 of the Building Act 2004, and has some or all of the following competencies:*
 - *geotechnical principles;*
 - *design principles including structural, geotechnical, seismic, hydrologic and hydraulic principles;*
 - *dam construction techniques;*
 - *operation and maintenance of dams;*
 - *surveillance processes;*
 - *response to dam safety issues;*
 - *emergency planning and emergency response;*
 - *resolution of potential dam safety deficiencies; and*
 - *dam safety critical plant systems.*
2. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licenses, 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.*
3. *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.*
4. *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.*
5. *The Consent Holder is required by Section 153B of the Building Act 2004 to immediately notify the Consent Authority if the Consent Holder has reasonable grounds for considering that the dam is, or has become, dangerous.*
6. *The dam, spillway and associated appurtenant structures should ~~must~~ be operated and maintained to ensure that, at all times, they are structurally sound, pose no undue risk to human life, property, or the natural environment, and are able to perform satisfactorily in accordance with the latest addition of New Zealand Society for Large Dams Guidelines to their approved design standard.*

Appendix 1 to RM20.079.03: Dam design *and extent*

