

Resource Consent Application Form 4C – To Take and Use Water: 6 Year Term (New Takes)



Phone: 0800 474 082
Website: www.orc.govt.nz

To take and use surface water – 6 year term only. You only need to complete this form and remember to attach:

- Site plan
- Water use records
- Any supporting information
- Application deposit

If you are seeking a term longer than 6 years you cannot use this form. You must use Form 4A.

This application is made under Section 88 of the Resource Management Act 1991.

This form is divided into three sections:

1. Your details
2. Your activity
3. Policy assessment

You can find helpful information relating to deemed and water permits at the following link:

<https://www.orc.govt.nz/media/9378/technical-guidance-note-1-deemed-water-permit-replacement-applications.pdf>

Part 1. Your Details

1(a). Applicant's details:

Full name(s):

OR

Registered
company:

OR

Trust (include all

Trustees full names) _____

Postal address: _____
_____ Post code: _____

and
Physical address (of applicant):
(not a PO Box number) _____
_____ Post code: _____

Phone number: Business: _____ Private: _____
Mobile: _____

Email address: _____

Please provide a valid and clear email address. Otago Regional Council has adopted a paperless consenting process – therefore any correspondence including decision documents and consent (if granted) will be sent via email, unless you request a paper copy.

Please tick if you do not prefer contact by electronic means

1(b). Key contact for applicant details (if applicable):

Only complete if the applicant consists of multiple parties (e.g. multiple consent holders, Trust etc). Please outline who the key contact for the consent will be, if granted:

Full name: _____

Phone number: Business: _____ Private: _____

Mobile: _____

Email address: _____

2. Location of proposed activity:

Address: _____

Legal description of the point of take: _____

Legal description(s) for the area to be irrigated:

3. (a) Has there been a previous application for this activity that was returned as incomplete?

Yes No

(b) Have you spoken to a Council staff member about this application prior to lodging this application?

Yes No

If yes, please state name of staff member: _____

4. For the land on which the activity occurs, is the applicant (tick one):

- The owner
- The lease holder
- The occupier
- Prospective purchaser

If the applicant is not the landowner, who is the owner of the land on which the activity occurs/is to occur:

Name of landowner: _____

Phone number: _____ Mobile: _____ Business: _____

Email address: _____

5. How to pay:

A deposit **must** accompany this application. If the required deposit does not accompany your application, staff will contact you on the email address provided on this form to request payment, and after 5 working days your application will returned as incomplete if no payment is made for the required deposit.

When paying online, please use the word '**Consent**' followed by the name of the applicant as a reference.

Method of payment:

- Online bank transfer
- Credit card
- In person

Date of payment: _____

Amount paid: _____

Payment reference: _____

Please note: Your deposit will not cover the entire cost of processing your application. At the end of the application process you will be invoiced for any costs that exceed the deposit. Interim invoices may be sent out for applications, where appropriate.

Information regarding costs in processing various types of single non-notified consent applications can be found via the following link, scrolling down to “Costs to process the application”: www.orc.govt.nz/consents/ready-to-apply-for-a-consent/fees-and-charges

2. Your activity

2.1 This application is for (please tick any applicable box):

An application to replace a current Water Permit
Water permit number: _____ *Expiry date:* _____

An application to replace a Deemed Permit / Mining Privilege
Deemed permit number: _____ *Expiry date:* _____

Note: Additional applications may be required for damming water (Form 2), diverting water (Form 3), river works (Form 10C), discharges or for activities that require consent under the National Environmental Standard Freshwater 2020 (e.g. wetlands, weirs) or Building Act (e.g. dam structures). Please complete separate applications for each of these activities.

2.2 This application seeking a duration of 6 years:

Yes

No – If no, please use Form 4A on our website

3. Volume and rates of take applied for

3.1 Quantity and rate of take currently consented

- a. Maximum rate of take: _____ litres per second
or Maximum rate of take: _____ litres per hour
- b. Maximum daily volume _____ litres per day
- c. Maximum monthly volume: _____ cubic metres per month
- d. Maximum annual volume: _____ cubic metres per year

3.2 Quantity and rate of take applied for:

Note: 1,000 litres = 1 cubic metre

- a. Maximum rate of take: _____ litres per second
- b. Maximum daily volume _____ litres per day
- c. Maximum monthly volume: _____ cubic metres per month
- d. Maximum annual volume: _____ cubic metres per year

Note: Some deemed permits refer to hourly/weekly rates. Water permits are issued in litres per second, m³ per month and m³ per year.

3.3 Frequency of water historically taken prior to 30 June 2020:

Note both the maximum and estimated average take.

	Average	Maximum
How many hours per day?		
How many days per week?		
How many weeks per month?		

3.4 If it is a replacement take, are you seeking to replace the take as primary allocation?

Yes/no

If no, please explain whether the take is from a catchment that has no allocation regime or is for supplementary allocation, an augmented¹ take or is the retake of water from a water race, dam or catchment run-off.

3.5 Please provide a map(s) or coloured aerial photographs which outline the following details (as applicable):

- The location of the existing and any proposed point(s) of take and all associated infrastructure (including water races, pipe works, points of discharge and re-takes) and the value of infrastructure.
- The location of the water measuring device(s) or system(s).
- The total property area boundary.
- Point/area of use including the area(s) to be irrigated (if relevant) by water applied for under this application (include legal description(s) and GPS locations) and clearly show the maximum irrigation area from the period 1 September 2017 to 18 March 2020
- The area of the community supply (if relevant)
- Other surface water bodies and wetlands, and distances from the point of take(s) to them
- Any other associated activities on site including damming, diversions or discharges.

¹ The taking of water from any lake or river which has already been delivered to that lake or river for the purpose of the subsequent taking.

3.6 Is the deemed permit or water permit to be replaced valid?

Yes, please provide a copy of the current deemed permit or water permit.

No, a replacement application is not able to be made.

Note: Your permit will not be valid if it has expired, been surrendered, been cancelled or has it lapsed. You can contact Council about the status of your permit.

3.7 For deemed permit replacements, does you deemed permit outline any priorities in relation to water access at low flows?

Yes, answer questions below

No, move onto Section 4.

3.8 a. List all permits your deemed permit has priority over in the order of priority (1,2,3 etc)

b. List all permits that have priority over your deemed permit in the order of priority

c. Attach a family tree that shows all priorities and the order of priority that relate to the water body that your application relates to. *Note: There may be copy attached to your deemed permit or the Council may be able to assist.*

d. Outline whether there are any existing water allocation committees or water sharing groups that manage water use at low flows and explain how these currently operate.

e. Do you adopt the following conditions as part of your application:

Yes No

Note: To meet the entry criteria for the controlled or restricted discretionary pathway you all priority conditions need to be placed on any replacement consent. If you do not want to do this the application will be non-complying and you will need to fill in Form 4.

Upstream permit holders subject to a water permit with a higher right of priority:

(1) The Consent Holder must cease taking water under this consent on, and from, the date and time specified in a written notice issued by a Consent Holder listed in Appendix X to this consent until the end date and time specified in the written notice. For the purpose of this condition, written notice is a communication in writing sent to the contact details recorded in the contact management plan and copied to the Consent Authority at compliance@orc.govt.nz and that contains the following detail:

- (a) The name and consent number of the Consent Holder giving notice;*
- (b) The name and consent number of the Consent Holder required to cease taking water;*
- (c) Date and time of notice issue;*
- (d) An instruction to cease taking water; and*
- (e) A start date and time and end date and time for the cessation; the cessation period must not be longer than 72 hours from when the cessation commences.*

(2) The Consent Holder must maintain a contact management plan. If any of the details in the contact management plan submitted with the application change, the Consent Holder must provide an updated copy of the contact management plan to the Consent Authority.

For the purposes of Condition 2 a contact management plan is a plan that records up to date contact details for the Consent Holder to be served written notice (which may be an email address) and an acknowledgement that the contact details can be provided to a Consent Holder with a higher right of priority by the Consent Authority.

Example of Appendix X:

<i>Name of Consent Holder</i>	<i>Permit number</i>	<i>Location of point of take</i>

Advice note to be included on downstream permit with higher right of priority:

When the Consent Holder has insufficient flow at their point of take, they may give notice to the Permit Holders listed in Appendix Y to cease taking water.

Notice means a communication in writing sent to the contact details recorded in the contact management plan and copied to the Consent Authority that contains the following detail:

- (a) The name and consent number of the Consent Holder giving notice;*
- (b) The name and consent number of the Consent Holder required to cease taking water;*
- (c) Date and time of notice issue;*
- (d) An instruction to cease taking water; and*
- (e) A start date and time and end date and time for the cessation; the cessation period must not be longer than 72 hours from when the cessation commences.*

Contact details for the Consent Holders listed in Appendix Y will be made available by the Consent Authority upon request.

Example of Appendix X:

<i>Name of Consent Holder</i>	<i>Permit number</i>	<i>Location of point of take</i>
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4. Point(s) of take description

4.1 What are the GPS coordinates of the point(s) you propose to take water from?

Note: if there are more than two points of take, please provide these details on a separate sheet.

Point 1: NZTM 2000 E: _____ N: _____

Point 2: NZTM 2000 E: _____ N: _____

Note: The ability to control the water into a channel is used to determine where the point of take is. The point of take is where water is taken out of the source waterbody by a control mechanism such as a gate, control structure or pump.

Where there is no control structure at the point where water is taken from the source waterbody, you will need to review the diversion rules in Section 12.3 of the RPW. Consent may be required for a permanent or temporary diversion. The take point would then be from the diversion channel where control of the take is held.

4.2 What is the name of the water body/ies from which the proposed take(s) is/are to occur?

Note: if the water body is unnamed please note this and note the water body it flows into.

5. Historical water use

5.1 Water abstracted up until 30 June 2020

The following usage evidence is provided in support of this application:

Metered Takes

Water metering records, attached to this application with historical water use summarised and assessed in accordance with Schedule 10A.4 of Plan Change 7.

Water metering records sent to Council electronically or recorded on file by Council with historical water use summarised and assessed in accordance with Schedule 10A.4 of Plan Change 7.

You can seek your water metering records from watermetering@orc.govt.nz and Council can analyse the data for you using Schedule 10A.4, which is at the back of this form.

Non-metered takes

For permits where metering is not required by condition of resource consent or by the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010.

The rate of take and the volume of water sought is no more than the existing consented instantaneous rate of take and volumes.

- Yes
- No

5.3 Provide a summary of your analysis below:

- a. Maximum rate of take: _____ litres per second
- b. Maximum daily volume _____ cubic metres per day
- c. Maximum monthly volume: _____ cubic metres per month
- d. Maximum annual volume: _____ cubic metres per year

4.4 For which years have these maximum rates and volumes been recorded?

6. Water use and management

6.1 For what purpose(s) will the water be used?

- Stock water and/or dairy shed use
- Irrigation
- Community supply
- Commercial/industrial supply including frost fighting
- Hydroelectricity
- Domestic supply
- Other _____

6.2 If you propose to use water to irrigate land, please outline:

- a. How many hectares of land will be irrigated?
- b. What will you be irrigating (i.e. crop type, pasture etc in ha)?
- c. Show maximum area irrigated between 1 September 2017 and 18 March 2020 on the plan required by question 3.5.
- d. Is the total land area to be irrigated no more than the maximum area irrigated between 1 September 2017 and 18 March 2020?

- Yes
 No

Please provide any information to support this, such as maps, aerial photographs and infrastructure scheme plans as evidence that these areas have and can be irrigated.

6.3 Will the water take be managed as part of an existing water allocation committee or water management group?

- Yes (name of committee of group): _____
 No

7. Measuring and Reporting

7.1 What type of water metering system is currently installed or proposed to be installed?

7.2 Is your water measuring device or system installed or proposed to be installed at the point(s) of take?

Note: The council considers the point of take to be within a 100 metre radius of the physical take point. If your answer is No, you need to apply for a Water Measuring Exemption (WEX) by filling out Application Form 24. A fully completed Form 24 should be lodged at the same time as this application to enable dual processing.

- Yes
 No – there is an existing WEX. Number: _____ *This will be reissued with the replacement consent if it is granted and if there are no changes to the intake and/or point of take location.*
 No – complete an Application Form – Application for Exemption

8. Assessment of Environmental Effects

Note: Pursuant to Schedule 4 of the Resource Management Act, 1991, there are a number of matters that must be addressed by an assessment of environmental effects (AEE) however Council's control is limited by Rule 10A.3.1.1.

8.1 List and detail below any existing residual flow, minimum flow or take cessation conditions on the deemed permit or water permit that is being replaced.

Do you propose to carry over any existing residual flow, minimum flow, or take cessation condition?

- Yes
 No

8.2 Are there any of the following positive effects from the take?

- Supporting local jobs and businesses
 Community and economic wellbeing
 Other:

9. Statutory Assessment

All applications need to come in with a policy assessment. Please tick if you agree with the below assessments. If not, then please complete your own assessment and attach it to this application form.

Note: If you are applying for additional consents for other activities associated with the take and use these will require a separate policy assessment.

I agree with the assessment below and adopt it as my own. It applies to my application and activity.

Plan Change 7 to the Regional Plan Water

<i>Provisions</i>	<i>Assessment</i>	<i>Does the example assessment apply to your activity? Say yes/no, provide a comment or complete your own assessment</i>

<p>Objective 10A.1.1 <i>Facilitate an efficient and effective transition from the operative freshwater planning framework toward a new integrated regional planning framework, by managing:</i> <i>(a) the take and use of freshwater; and</i> <i>(b) the replacement of Deemed Permits, and</i> <i>(c) the replacement of water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025.</i></p>	<p><i>This objective seeks a transition toward the long-term sustainable management of surface water resources in the Otago region through the establishment of an interim planning framework until such time as the new Land and Water Regional Plan is made operative. The proposal is consistent with this objective.</i></p>	
<p>Policy 10A.2.1 – replacement consents <i>Irrespective of any other policies in this Plan, avoid granting resource consents that replace Deemed Permits, or water permits for takes and uses of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, except where:</i> <i>(a) The Deemed Permit or water permit that is being replaced is a valid permit; and</i> <i>(b) There is no increase in the area under irrigation, except where any additional area to be irrigated is only for orchard or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020; and</i> <i>(c) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and</i> <i>(d) For takes other than community water supplies there is no increase in:</i> <i>(i) the historical instantaneous rate of abstraction; and</i> <i>(ii) any historical volume of water taken.</i></p>	<p><i>In relation to these matters, the water permit that is to be replaced is 'valid'; there is no increase to the existing command area of irrigation except where there was existing infrastructure (installed before 18 March 2020); I am proposing that existing conditions relating to any residual flow, minimum flow or take cessation are carried over and there is no increase in the historic rate of abstraction or historic water use. As all of these provisions are met, granting of this application is consistent with this policy.</i></p>	

<p>Policy 10A.2.2 – Duration <i>Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.</i></p> <p><i>*note if you are a hydro scheme listed in the schedule to PC7 then you will need to assess Policy 10A.2.3</i></p>	<p><i>The application is for a consent duration of six years so is consistent with this policy.</i></p>	
<p>Policy 10A.2.4 – Priorities <i>Where the flow at the point of take of a Downstream Permit with a Higher Right of Priority is insufficient to supply that permit, the holder of an Upstream Replacement Water Permit may be required to cease taking water.</i></p>	<p><i>Priorities apply to my permit and I am volunteering a condition to be added to my permit to reflect this system of water management.</i></p>	

10A.4 Schedule: Methodology for calculating assessed actual usage for surface-water takes for irrigation purposes

[current schedule to be attached]