

Otago Regional Council
DIRECTIONS OF THE COMMISSIONER
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 by Long Gully Race Society (Applicant) for resource consents for the replacement of a deemed water take permit from Long Gully stream near Bannockburn in Central Otago.

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 submitters for their information.



Rob van Voorthuysen
Hearing Chairperson
1 July 2020

Questions for the S42A Report author

| Page | Section | Question |
|------|---------|--|
| 5 | 3.2 | You state the application does not seek a monthly maximum volume, but on page 12, section 2.5, of the Application document a monthly volume of 170,000m ³ is sought. Please explain? |
| 14 | 6 | You say that that resource consent is also required for the taking of additional water that is bypassed back to Long Gully (non-consumptive) at the point of take. Can you please explain why an additional consent is required for that and why it is not covered under the original application and Rule 12.1.4.5? |
| 14 | 6 | You say that consent is also required to take of water from the water race and dams and that this is a discretionary activity under Rule 12.1.5.1. <ul style="list-style-type: none"> ▪ Has application been made for the taking of water from the water race and dams? ▪ Do the takes from the water race and dams require individual consents for each dam and race location? ▪ Who should hold the consent(s) to take water from the water race and dams – Long Gully Race Society or the individual shareholders who draw water at each point? ▪ Notwithstanding your application of the bundling principle, is the primary take from Long Gully still to be assessed under Rule 12.1.4.5 such that my discretion is still limited to the matters listed in Rule 12.1.4.8? |
| 24 | Table 3 | Is the 554,924 total seasonal value correct or should it be 806,910? |
| 24 | Table 3 | Does your assessment give effect to PPC7 Policy 10A.2.1(b) insofar as LGRS has specified existing areas of irrigation and areas that “are being or will be developed” (see the footnote under Table 2 of the application)? |
| 38 | 7.15 | Have you interpreted PPC7 Policy 10A.2.3 correctly because: <ul style="list-style-type: none"> ▪ Firstly, as a result of RMA s88A(1A) PPC7 Rule 10A.3.2.1 does not apply; and ▪ Secondly, I read the conjunctive nature of the chapeau of Policy 10A.2.3 and clause (a) to mean that a duration of 6 years can only be granted <u>if</u> the effects-based requirements of clause (a) are met. I do not read the policy to mean that if the effects-based requirements of Policy 10A.2.3(a) are met then a duration longer than 6 years can be imposed. |
| | | Do RPWO Policies 6.4.4. and 6.4.5(d) mean that a minimum flow for Long Gully would need to be established by way of a plan change adding the waterbody to Schedule 2A and until that occurs a minimum flow is not able to be imposed? |