

File: RM20.005

27 February 2020

Will Nicolson  
C/- Landpro Limited,  
PO Box 302,  
Cromwell 9342

Dear Will

**Request for further information under section 92(1) of the Resource Management Act 1991 (the Act) – Consent Number/s RM20.005.01: Water Permit - Surface Take, 95789: Water Permit - Surface Take**

Thank you for your application to take and use water from the Amisfield Burn for the purpose of irrigation and domestic supply.

An initial assessment of your application has been made. To be able to make a full assessment of the application we request the following information [s92(1)] .

- (1) The application has been reviewed by the Councils Resource Science Unit (RSU ). RSU notes that no residual flow is proposed. RSU has concerns that through not proposing a residual flow, there could be effects deemed to be more than minor on the natural character of Amisfield Burn. A residual flow could also consider downstream water users within the Amisfield Burn catchment. As such, RSU request that the applicant provide a residual flow to maintain natural character downstream of their takes, or provide further justification as to why no residual flow is proposed.
- (2) The application has also been assessed by the ORC Compliance officer who notes that the application confirms that R S Perriam has a race that discharges water into the Five Mile Catchment. The compliance team notes that Perriam does not have a retake permit granting the right to abstract water that is discharged into Five Mile Creek. Please provide an assessment of the water retake from Five Mile Creek and advise if this retake forms part of the application (note Perriam's legal descriptions: Lot 100 DP 433991; Lot 3 DP 453152; and others).

**What are Your Options? – You may**

- (a) Provide the information requested within 15 working days s92A(1)(a) of this letter (being 20 March 2020) or
- (b) Tell us in writing the date you will be providing the information, if you need longer than 15 working days [s92A(1)(b)]. If you choose this option we would expect to receive the information no later than 15 April 2020.
- (c) Tell us in writing that you refuse to provide the information [s92A(1)(c)].

### **What Happens Then?**

**Straightforward Option:** If you decide to provide the information under option (a) or (b) above, your application will be placed on hold until the information arrives on the agreed date [s88C(2)(b)]. After that it will be taken off hold and processing of the application will continue.

**Complex Option:**

- 1. If you choose option (c) above and refuse to provide the information, or
- 2. If you agree to provide the information by an agreed date and don't do so or
- 3. You don't respond at all:

**Then your application will be publicly notified; we have no choice in this pursuant to s95C(2) of the RMA .** This means that an advertisement will be placed in public newspaper(s) and a site notice erected, and submissions on the application invited from the public at large. This can be expensive, and an up front deposit of further money will be required. This deposit could be in excess of \$5,000.

After public notification the application will be assessed and it may be declined if the lack of information prevents a proper assessment of the proposal.

We strongly urge you to choose either option (a) or (b) above, to avoid the unnecessary cost of public notification and the potential declining of your application.

If you have any further queries please contact me on (03) 474 0827 or 0800 474 082.

Yours sincerely



Kirstyn Lindsay  
**Consultant Planner**