

Otago Regional Council
DIRECTIONS OF THE COMMISSIONER
Bendigo Station Limited
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 applications made by Bendigo Station Limited RM20.079.01 – 03.

Questions for the S42A Report Author

- [2] Having read the Section 42A Report I have a number of 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 applicant and submitters for their information?



Rob van Voorthuysen
Commissioner
28 April 2020

Questions for the s42A Report author

I am unsure if the supplementary minimum flows set out on page 27 of the s42A Report are correct. Under Method 15.8.1A.1 of the Regional Plan Water: Otago (RPW:O) supplementary allocation blocks of 100 L/s are available because the MALF is assessed at 33 L/s. As you note on page 27 of the s42A Report, under Method 15.8.1A.2(b) of the RPW:O the minimum flow for the first supplementary block = Primary allocation + Supplementary allocation(s). I understand that the primary allocation is 50 L/s.

1. *Would the minimum flow for the first supplementary allocation block be $50 + 100 = 150$ L/s?*

The minimum flow for the second supplementary allocation block is set under Method 15.8.1A.2(c) of the RPW:O.

2. *Would the minimum flow for the second supplementary allocation block be $50 + 100 + 100 = 250$ L/s?*

A minimum flow is the flow below which abstractions must cease. On that basis the first supplementary take can only commence when the flow in the Bendigo Creek below the point of take is > 150 L/s (assuming the above figure in my question 1).

3. *Is a flow monitoring station required below the take point to ensure the minimum flows for the supplementary takes are not breached?*

4. *If the answer to question 3 is yes, is WM1515, located approximately 750 m below the point of take appropriate for that purpose?*

5. *If the answer to question 4 is no, is that what recommended Condition 6 of RM20.079.02 is for?*

As you note in section 7.5 of the s42A Report, the Building Act 2004 is the primary legislation regulating the construction and management of dams.

6. *Is it appropriate to impose dam safety conditions (recommended Conditions 5, 6 and 7 of RM20.079.03) on a s14(3) damming of water permit?*

7. *Is imposing dam safety conditions on s14(3) damming of water permits standard practice in the Otago region?*

Bendigo has sought supplementary allocation(s).

8. *Are the supplementary allocations subject to monthly and seasonal volume restrictions?*

9. *If the answer to question 8 is yes, which provisions of the RPW:O impose those restrictions?*

10. *Can you please explain the derivation of the reference to 430.6 litres per second in recommended Condition 3(c) of RM20.079.02?*

Water meters

11. *Is the water meter referred to in recommended Condition 6 of RM20.079.01 existing meter WM1515?*

12. *Do recommended Condition 6 of RM20.079.01 and Condition 7 of RM20.079.02 refer to the same meter?*

13. *Is data obtained by WM1515 telemetered to ORC?*

Other matters

14. *Recommended Condition 1 of RM20.079.02 refers to x hectares. What should x be?*

15. *Is recommended Condition 2 of RM20.079.02 appropriate, namely is conceivable that Bendigo could exercise supplementary takes at times of high flow while not abstracting primary allocation water?*

16. *Is recommended Condition 4 of RM20.079.01 vires given that the s42A Report confirms (page 22) that the overflow discharge from Bendigo Pond is a permitted activity under RPW:O Rule 12.C.1.1?*

17. *Why does recommended Condition 2 of RM20.079.03 refer to taking and using water when the purpose of RM20.079.03 relates solely to "dam water within a reservoir"?*

18. *What objective criteria would the consent holder use to determine if the dam is or has become dangerous (recommended Condition 4 of RM20.079.03)?*

19. *What objective criteria would the consent holder use to ensure compliance with the subjective terms in recommended Condition 6 of RM20.079.03, namely that the dam, spillway and associated structures do*

not pose an undue risk to human life, property, or the natural environment, and are able to perform satisfactorily to their approved design standard?

20. *What is the “approved design standard” referred to in recommended Condition 6 of RM20.079.03?*
21. *What “associated structures” are referred to in recommended Condition 6 of RM20.079.03?*
22. *Recommended Condition 7 of RM20.079.03 states “The damming of water must not cause flooding, erosion, land instability, sedimentation, or property damage of any other person’s property”. Precisely what property is being referred to?*
23. *Is Condition 7 of RM20.079.03 targeted at the normal operation of Bendigo Pond or at a possible failure of the embankment impounding water in the Pond?*