

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER
OF

applications by **Dunstan Peaks Limited** ("the applicant") for:

a **water permit** filed under **CRC011361** to divert, take and use surface-water from Little Omarama Stream, Omarama Stream, Middle Gully and Twaddles Creek, and water races leading from these streams for the purposes of border dyke and wild flood irrigation, domestic and stock water supply and hydro-electricity generation;

a **discharge permit** filed under **CRC011362** to discharge water into Twaddles Creek; and

a **land use consent** filed under **CRC011363** to disturb the bed and banks of a river at Little Omarama Stream, Twaddles Creek and Middle Gully.

34th MINUTE OF COMMISSIONERS – DIRECTION TO DUNSTAN PEAKS LIMITED

Dated 22 December 2011

34th MINUTE OF COMMISSIONERS

Introduction

- 1 The Commissioners have spent a considerable amount of time on this decision trying to literally unravel what was presented in evidence.

Concerns

- 2 The key concerns can be summarised in two points:
 - 2.1 A lack of information as to what is proposed; and
 - 2.2 Significant changes between the proposal as originally applied for and that for which consent is now being sought.
- 3 In order to make a coherent assessment (let alone a decision) on this application we need more information from this applicant.
- 4 To be clear, we seriously considered issuing a decline decision on the basis of inadequate information, but we determined having regard to the level of the applicant's investment in this process that we should provide a further, final, opportunity for the applicant to provide some coherent and quality information.

What is required

- 5 The applicant is to provide a very clear description of the following:
 - (a) The activities currently occurring on the site;
 - (b) The original proposal as notified;
 - (c) The current proposal based on the latest proposed conditions and the latest FEMP.
- 6 For each of the above, we require confirmation of the following:
 - (a) The methods of irrigation (that is, spray, k-line, etc);
 - (b) Location of all takes;
 - (c) Description of intake structures and works in the bed;
 - (d) Area and location of land irrigated on each station;
 - (e) Location and nature of any discharges;
 - (f) Rates, litres per second (L/s) and annual volumes in cubic metres per year (m³/year) of all takes and discharges;
 - (g) Accompanying maps and plans that clearly illustrate all of the above elements of the proposal;
 - (h) A table comparing what was originally applied for and what is now proposed, having regard to the above-described matters, with a summary of key differences; and
 - (i) The applicant's opinion of whether or not is it within our jurisdiction to grant consent for the new proposal and, if so, why; particularly commenting on the point as to whether or not any parties would be

prejudiced in any way if we concluded we could proceed and grant consent for the new proposal.

- 7 We wish to make it very clear to the applicant: If the information we seek is not provided within the timeframe set out below, then we will have no choice but to decline consent based on inadequate information provided to us. We again make the point that we all but reached that conclusion in this case, but have decided to extend to the applicant a final and last opportunity to provide the information we seek.

Timetable

- 8 We direct that the applicant shall provide all of the above information, lodging the same with Environment Canterbury **no later than 5.00pm Monday, 30 January 2012.**

Dated at Christchurch this 22nd day of December 2011



Paul Rogers
Commissioner Chair on behalf of the Committee