MARLBOROUGH
DISTRICT COUNCIL

RESOURCE CONSENT APPLICATION

U150413

Delegat Limited

Awatere River, Awatere

Submissions Close

5.00 pm Monday 29 June 2015

ISO 9001:2000
Document Number:
RAD0038-CI1307

Abbey McMillan-8771

From: Vanessa Hantz-5409
Sent: Monday, 11 May 2015 2:19 p.m.
To: Abbey McMillan-8771
Subject: FW: Resource consent application - Delegat Ltd
Attachments: Appendix 4 - Ecology Report.pdf; Application for Resource Consent.pdf; Appendix 1 - Location Plan.pdf; Water Permit Additional Form.pdf; Appendix 2 - Detailed Site Plan.pdf; Appendix 3 - Awatere River Management Strategy.pdf; Appendix 5 - Archaeological Map.PNG; Application.pdf

From: Cath Hammond [mailto:cath@wilkesrm.co.nz]
Sent: Monday, 11 May 2015 2:12 p.m.
To: MDC
Cc: Vanessa Hantz-5409; Anna Eatherley-7530; Steve Wilkes
Subject: Resource consent application - Delegat Ltd

Hello,

I would like to lodge the attached resource consent application please.

I understand the applicant is organising payment of the lodgement fee electronically.

Could an email receipt please be sent to the applicant for the lodgement fee payment.

Kind regards

Cath Hammond
t +64 3 578 5339 x 722 | m +64 274 281 847
Temple Chambers, 76 High Street, Blenheim 7201, New Zealand
cath@wilkesrm.co.nz
www.wilkesrm.co.nz

MARLBOROUGH DISTRICT COUNCIL

Resource Consent Application

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

Please read and complete this form thoroughly and provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal, the words used in this form or the application process with Council staff, who are here to help.

This application will be checked before formal acceptance. If further information is required, you will be notified accordingly. When this information is supplied, the application will be formally received and processed further.

You may apply for more than one consent that is needed for the same activity on the same form.

For Office Use	ISO 9001:2008 Document Number: RAF0002-Cl1248
Lodgement Fee Paid $	
Receipt No.	
Consent No.	
Case Officer:	

1. Applicant details *(If a trust, list full names of all trustees.)*

Name: *Delegat Ltd*

Mailing address: *PO Box 305, Blenheim 7240*

Email Address: *bala@delegat.com*

Phone: (Daytime) *03 572 6300* Phone: (Mobile) *021 244 6604* Fax:

2. Agent Details *(If different from above or if your agent is dealing with the application.)*

Name: *WilkesRM*

Mailing address: *Temple Chambers*
76 High Street
Blenheim 7201
Attn: Mrs Catherine Hammond

Email Address: *cath@wilkesrm.co.nz*

Phone: (Daytime) *03 578 5339 ext 722* Phone: (Mobile) *0274 281 847* Fax:

3. Type of Resource Consent Applied for

☐ **Coastal Permit** ☐ **Discharge Permit** x **Land Use** ☐ **Subdivision** x **Water Permit**

4. Brief Description of the Activity

Date Received

This is an application to undertake works within the bed of the Awatere River as per the attached application for resource consent.

This application is to replace resource consent U120408.

5. Property Details

The location to which the application relates is (address): *Awatere River*

Legal description (i.e. Lot 1 DP 1234): *Adjacent to Lots 3 & 4 DP 7493*

(Attach a sketch of the locality and activity points. Describe the location in a manner which will allow it to be readily identified e.g. house number and street address, Grid Reference, the name of any relevant stream, river, or other water body to which application may relate, proximity to any well known landmark, DP number, Valuation Number, Property Number.)

(Please attach a copy of the Certificate of Title.)

The names and addresses of the owner and occupier of the land (other than the applicant):

Please attach the written approval of affected parties/adjoining property owners and occupiers.

Note: That as a matter of good practice and courtesy you should consult your neighbours about your proposal. If you have not consulted your neighbours, please give brief reasons on a separate sheet why you have not.

6. Assessment of Effects on the Environment (AEE) *(Attach separate sheet detailing AEE.)*

I attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

Note: Failure to submit an AEE will result in return of this application.

7. Other Information

Are additional resource consents required in relation to this proposal? If so, please list and indicate if they have been obtained or applied for.

I attach any other information required to be included in the application by the relevant Resource Management Plan, Act or regulations.

Declaration

I *(please print name)* *Catherine Hammond* agree

(i) That the applicant is liable for all fees and charges relating to this application.
(ii) The lodgement fee is to be paid at the time of lodging the application for resource consent.
(iii) That payment is due within 30 days of the issue date of any additional charges.
(iv) That Council will charge the applicant interest on any overdue invoices at 15% per annum from the date of issue of the invoice to the date of payment and Council may stop processing this application until an overdue invoice is paid in full. In the event of non-payment the applicant will be liable for all legal and other costs of recovery.
(v) That where this application is completed and signed by an agent, all communication regarding this application will be with the agent.
(vi) The information provided in this application and the attachments to it are accurate.

Signature of ~~applicant or~~ authorised agent C Hammond

Date *11.5.2015*

Privacy Information

The information you have provided on this form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council. Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or make corrections to your details, please contact Council.

Applicants Name: *Delegat Ltd*

MARLBOROUGH DISTRICT COUNCIL

ISO 9002
Form Ref CI 312

INFORMATION TO SUPPORT AN APPLICATION for Water Permits (mandatory information)

This additional application form is required to be provided to supplement the Application For A Resource Consent. It is recommended you read the Council's brochures *Guidelines for Applying for a Resource Consent* and *Guidelines for Applying for a Water Permit.*
This form does not include any information necessary to support a Land Use Consent application that may also be required in association with your water permit – e.g. construction of a bore, intake structure, dam etc. Further information on these activities is available in the Council's brochure *Guidelines for Applying for a Land Use Consent.*

Please complete all sections that apply.

GENERAL:

1. Type of permit required:

Take surface water	☐	Dam water	☐
Take underground water	☐	Divert water	✓

2. Do you currently hold a water permit that is due to expire? Yes / **No**

~~If yes, please state the water permit number .....~~

~~3. Purpose for which water is required?~~

.....
~~(Industrial, crop irrigation, etc)~~

~~4. Source of water .....~~
~~(name of river, stream, aquifer, etc)~~

~~5. Maximum quantity of take .....litres per second~~
~~.....cubic metres per day~~
~~.....cubic metres per week~~

~~**GROUNDWATER:**~~

~~1. Well number (if existing well) .....~~

~~2. Depth from ground level to bottom of well .....metres~~

~~3. Diameter of well .....millimetres~~

~~4. Has a pump test or well interference test been carried out on the well? Yes / No~~

~~If yes, please attach results.~~

~~SURFACE WATER:~~

~~1. Abstraction method .....~~
~~(e.g. intake gallery, suction hose, diversion channel, etc.)~~

~~2. Number of pumps to be used? .....~~

~~3. Rate of flow for pump .....litres per second.~~

~~4. Delivery pipe diameter .....millimetres~~

DAMMING OR DIVERTING WATER:

1. Please advise reason and purpose: To temporarily divert the Awatere River toward or away from the applicant's irrigation infrastructure so as to enable works in the bed associated with maintenance of the applicant's infiltration gallery. To divert the Awatere River during summer low flow conditions so as to make sure water flows over the applicant's irrigation gallery. .....

.....

2. Is the dam or diversion **permanent** & **temporary** (circle one)

~~3. If temporary, give duration details .....~~

CONSUMPTION SCHEDULE

	CROP A	CROP B	CROP C	TOTALS
CROP TYPE *e.g. corn, olives, etc*				
AREA *Number of hectares*				
APPLICATION RATE (m^3 / ha / day)				
QUANTITY *Cubic metres per day*				
IRRIGATION PERIOD *Circle months which apply*	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
METHOD *Trickle, spray, etc*				

Conversion formulae – 1,000 litres = 1 cubic metre (m^3) = 220 gallons 1 acre = 0.4047 hectare

Delegat Limited

Application for Resource Consent

- **Land Use Consent – River Surface or Bed Activities**
- **Water Permit - Divert Water**

Final

May 2015

Table of Contents

1 Introduction

The applicant is Delegat Limited (formerly Delegat's Wine Estate Limited).

Delegat Limited own and manage a large vineyard in the Dashwood area of the Awatere Valley.

In 2002 the applicant obtained resource consent to install irrigation infrastructure (consented under U020488) on the north bank and bed of the Awatere River, adjacent to Lot 3 DP 7493. The location is approximately 1km downstream of the State Highway 1 Awatere River Bridge.

In 2006 the applicant obtained resource consent to extend and modify their existing infiltration gallery (U060015).

The present intake infrastructure consists of two 15m deep wells connected to a single 150m long infiltration pipe in a south easterly direction, buried approximately 2-3m below ground level. The newer portion includes a 140m long section of pipe perpendicular to the existing pipework with a 40m slotted section for water infiltration at each end.

Neither U020488 nor U060015 provide for ongoing maintenance works of the gallery, diversions, nor do they provide for the occupation of the infrastructure within the bed of the Awatere River.

Resource consent U120408 was applied for and granted however that consent also is limited in the extent of which works can occur.

This applicant is therefore seeking resource consent to include the following:

- To disturb the Awatere River bed associated with maintenance works to an existing infiltration gallery;
- To occupy the Awatere River bed with an infiltration gallery;

- To temporary divert the Awatere River to enable works to be undertaken associated with the maintenance of an infiltration gallery; and

- To divert the Awatere River towards the infiltration gallery for irrigation needs.

Resource consent U060015 partly allows for such works however that consent is limited and does not allow for works if the river tracks to the south bank.

This report provides an assessment of effects on the environment in accordance with the Fourth Schedule of the Resource Management Act 1991 (RMA) for the following activities:

- Land Use – River Surface or Bed Activities; and

- Water Permit – Divert Water.

Attached to this application are the following:

- Appendix 1 – Location Plan;

- Appendix 2 – Detailed Site Plan;

- Appendix 3 – River Management Strategy;

- Appendix 4 – Ecology Report;

- Appendix 5 – Archaeological Map.

2 The Proposal

Delegat Limited is seeking resource consent for the following specific activities:

- Land Use – River Surface or Bed Activities

    - *To disturb the Awatere River bed, adjacent to Lots 3 and 4 DP 7493 associated with the maintenance of a water infiltration gallery, as required.*

    - *To provide for on-going maintenance of irrigation infrastructure located within the bed of the Awatere River adjacent to Lot 3 DP 7493.*

    - *To occupy the bed of the Awatere River with an infiltration gallery located adjacent to Lot 3 DP 7493.*

- Water Permit – Divert water

    - *To provide for the diversion of Awatere River water either away from or towards irrigation infrastructure adjacent to Lot 3 DP 7493 associated with maintenance activities or for irrigation purposes.*

A consent period of 35 years is sought.

This application is to supersede U120408 which will be surrendered following the satisfactory grant of this application.

2.1 Diversions

The proposed diversions are necessary to ensure that:

- Water reaches and flows over the infiltration gallery during irrigation seasons; and

- Water is directed away from the applicant's irrigation infrastructure adjacent to Lot 3 DP 7493 for maintenance purposes.

When undertaking any such diversions the protocols outlined in the River Management Strategy attached in Appendix 3 will be adhered to.

In developing the River Management Strategy, recognition has been given to the following potential adverse effects that might arise:

- Effects on existing other irrigators;
- Effects on the terrestrial river environment;
- Effects on the aquatic river environment;
- Effects on recreational river users;
- Any other potential effect/s.

The works will be of a relatively small scale and duration with minimal potential for sediment dispersal and will only occur if necessary.

The wetted channel of the Awatere River will be re-located as necessary and while each precise diversion location is not yet known, it will be contained within the existing banks of the watercourse and within the 'Diversion Area' as outlined in the Detailed Site Plan contained in Appendix 2.

2.2 Maintenance Activities

Works may be required from time to time to open up the applicant's infiltration gallery for maintenance and repairs and riverbed ripping.

The nature of the maintenance works is such that they are usually completed within a day and they will adhere to the recommendations set out in the Ecology Report contained in Appendix 4.

If riverbed ripping is required then the surface of the Awatere River would be ripped to a depth of some 0.75 m to break any seal that forms as a result of sediment deposition following flood events.

The "ripping" involves a similar process to that which routinely occurs on land during vineyard development works. In this instance it is proposed so that any sediment seal that may have formed is broken up to allow for the subsurface movement of water in a manner that occurs as a result of a fresh or flood occurring in a river. "Ripping" is known to have been carried out by various parties in Marlborough in the past and has proven highly successful in enhancing the performance of existing infiltration galleries.

The ripping is achieved by traversing the site with an excavator / dozer with a rear mounted tine / root rake attached which breaks up the gravel and sediment to a depth of some 0.75 m. The ripping may occur both cross river and lineal. The ripping area for maintenance will be contained within the 'Ripping Area' as outlined in the Detailed Site Plan contained in Appendix 2.

3 The Existing Environment

At the location of the applicant's infiltration trench site, on the north bank of the Awatere River, the river is similar to much of the river though-out the mid to lower reaches and is typified by a dominant single braid with secondary braids that form dependent upon river flows.

The average annual low flow for the Awatere River is 2.53 m^3/s while the mean flow is 15 m^3/s as recorded at the Council's Awapiri recorder.

The riverbed at the proposed intake site is dominated by coarse gravels with occasional vegetation found on the fringe of the bed.

According to bird surveys summarised in Hallas (2003) six key river-dependent bird species can be found breeding and nesting in the middle stretch of the Awatere River; the pied oystercatcher, pied stilt, banded dotterel (priority threatened species), black-fronted

dotterel, black-backed gull, black-fronted turn (priority threatened species). Breeding and nesting seasons are generally through spring and summer.

Brown trout are the main sport fish in the river.

In the area of the proposed works there are intake structures for Pernod Ricard Winemakers and Seaview Water Group Ltd.

4 Statutory Framework

4.1 The Resource Management Act 1991

Section 13 of the Resource Management Act 1991 (RMA) requires that no person may, in relation to the bed of any lake or river, use, erect, place, alter, extend, remove or demolish any structure, in, on, under, or over the bed; or excavate, drill, tunnel, or otherwise disturb the bed, reclaim or drain the bed, unless expressly allowed by a rule in a regional plan, and in any relevant proposed regional plan, or a resource consent.

Section 14 of the RMA requires that no person shall (amongst other matters) divert any water unless allowed by a rule in a regional plan and in any relevant proposed regional plan or resource consent.

4.2 The Wairau Awatere Resource Management Plan

General Rule 27.1.7.2 provides for the diversion of water as a **discretionary** activity.

General Rule 27.1.8.5 of the Plan provides for activities in a river or riverbed of this nature as **non-complying** activities.

5 Assessment of Effects

5.1 In-stream Habitat Values

Fish passage will be maintained at all times. To achieve this, any diversion will be undertaken in a staged manner with the flow path to be diverted being done so incrementally as opposed to simply constructing a new channel and then shutting off the old channel in entirety.

Any diversions will be staged over a minimum two hour period to provide time for aquatic species to detect any reduction in flow and to re-locate to another location of the river.

The applicant volunteers to undertake the proposed ripping works in January and February to reduce effects on native fish migrations.

5.2 Terrestrial Habitat Values

The Awatere River is a recognised habitat for nesting birds. Should works be required to open up a diversion channel during the period September to December (incl) the site will be surveyed to determine the presence of nesting birds. If any nesting birds are found then no work shall occur within 50 m of any occupied nest sites and no vehicles will traverse the riverbed within 50 m of the nest sites.

5.3 Sediment Generation

To assist in minimising effects of sediment generation any diversion channel will be excavated in an upstream direction only and the final link between the river and the new channel will only occur when the new channel is completely excavated.

Any sediment generation in the river will be rapidly dissipated by the flow of water downstream.

The works will be carried out by experienced operators who have undertaken the construction of many infiltration galleries within the Awatere River without the occurrence of more than minor adverse effects on the environment.

The applicant volunteers that ripping work is undertaken during a flood recession to avoid effects during clear water periods, when fish may be more sensitive to increased turbidity.

5.4 Downstream Erosion

Any proposed diversion will largely follow pre-existing flow paths and will incorporate an appropriately sized channel. As a result, the proposed diversion works will not enhance any erosion potential and water will continue to flow downstream un-impeded.

5.5 Intake Maintenance Work Effects

It is not expected that maintenance works will be required every year. In times when maintenance works are required, the applicant is willing to advise and work with Council officers.

During maintenance activities, it is anticipated that there would be minimal contact with flowing water. It is therefore considered that there will be no adverse effects on aquatic life.

In addition, no abandoned structures will be left in the riverbed.

5.6 Effects on Downstream River Users

The applicant recognises there are numerous intakes along the length of the Awatere River. The proposed works will not alter the capacity of the River to carry water thereby not adversely affecting any downstream River users.

There is minimal use of the Awatere River for recreational activities in the vicinity of the proposed works. Further as any maintenance works are for a short duration only there will be no inconvenience to any recreational users of the river.

5.7 Diversion Effects

The issue of undertaking minor on-going river works to divert Awatere River surface water to ensure that at all times during the irrigation season there is flowing water over the top of irrigation infrastructure will be of a short term nature and conducted infrequently with minimal potential for adverse environmental effects.

The applicant proposes to undertake appropriate sediment control measures, riverbed contouring and carrying out a bird survey prior to any diversions taking place.

The effect of diverting water to a new desirable flow path will be negligible as water will continue to flow downstream and a main channel will be maintained.

The channel in the immediate vicinity will be altered at times, however normal stream flows will be able to continue downstream thereby not detrimentally affecting the hydraulic capacity of the River in any more than a minor way.

As any proposed diversion works will only take a short time to construct, there is unlikely to be any inconvenience to recreational users of the River.

The Marlborough Fish and Game Council and the Department of Conservation shall be informed of any proposed diversions, a week prior to work commencing.

Machinery is required to be operated in the channel bed during maintenance activities. The main effect of this will be a visual one from the machines entering the riverbed, which will only be for a short time.

All refuelling and servicing of machinery will take place away from the riparian area to avoid the potential contamination of the river from a spill.

Braid location changes occur regularly on rivers such as the Awatere River following rainfall events. To all intent and purposes these proposed works would have no different effect on the river and riverbed ecology than any natural movement of the river braids.

5.8 Assessment of Effects on Historical, Spiritual or Cultural Values

Historical

No sites of historical interest in or around the site are noted in the Plan. Nor are there any recorded archaeological site recorded at the site (see attached NZAA map contained in Appendix 5).

Spiritual, Cultural

The site is within the rohe of Te Runanga O Ngai Tahu (Ngai Tahu). Ngai Tahu have cultural, spiritual, historical and traditional associations with the Awatere River and its catchment areas.

The document Te Runanga O Kaikoura Environmental Management Plan 2007 (Kaikoura EMP) has been used as a reference to gain some understanding into what those associations are.

The Awatere River catchment area forms the northern most tribal boundary of Ngai Thau and hapu boundary of Ngati Kuri. It is acknowledged that historically, the Awatere catchment was a major resource for mahinga kai and travel route and played a significant role in Ngati Kuri history.

The Kaikoura EMP notes that natural systems distribute (e.g. rivers) and store (e.g. wetlands) water the way that Papatuanuku intended them to be. Human activities alter these natural systems (Part 3.2, page 55).

Comment: The proposal is not seeking to alter the distribution of the Awatere River water as the applicant already holds a water permit to take and use Awatere River surface water. The proposal will result in an alteration of the natural environment but as outlined in the application the effects on natural functioning of the Awatere River are no anticipated to be any more than minor.

Section 3.2.3, Policy 5, page 54 of the Kaikoura EMP states "To avoid any use or activity that has the potential to result in significant soil erosion or sedimentation of waterbodies".

Comment: The proposal is not likely to result in significant sedimentation of the Awatere River as the activities proposed will be undertaken using best practise and by contractors experienced in activities of this nature to ensure adverse environmental effects do not arise.

Section 3.2.9, page 64 of the Kaikoura EMP relates to biodiversity.

Comment: The applicant recognises the protection of indigenous biodiversity is an important value for Ngai Tahu. The activity proposed is unlikely to result in any adverse effects on indigenous biodiversity.

Section 3.2.10, page 66 of the Kaikoura EMP relates to Parenga.

Comment: The applicant recognises that riparian areas are an important value for Ngai Tahu. The riparian area this application is the subject of has been highly modified overtime and as a result there are not anticipated to be any adverse effects on the riparian zone. Further to this, there are no known important riparian plants that may be damaged/destroyed at the area this application is the subject of.

Section 3.3.6, page 84 of the Kaikoura EMP relates to earthworks.

Comment: The applicant volunteers the standard accidental discovery condition be imposed which Council routinely includes on resource consents of this nature.

Summary

Given the assessment above, the proposal is not anticipated to have any adverse effects on historical, spiritual or cultural values.

6 Notification

The Awatere River environment, specifically water quality, fish passage and birds nesting will not be adversely affected. Both the Department of Conservation and the Nelson Marlborough Fish and Game Council will be consulted and their written approval will be sought.

While it is regarded as unlikely that there will be any effects on neighbouring intake structures, this application will be sent to those consent holders who have intake structures in the immediate vicinity of the works, specifically;

- Pernod Ricard Winemakers New Zealand Ltd; and
- Seaview Water Group Ltd.

Written approvals from those potentially affected parties identified above will be forwarded to Council once obtained.

It is considered there are no adverse effects on any other downstream river users that would warrant consultation or obtaining of written approvals.

7 Other Matters

7.1 The National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPSFW) sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

The proposed works will not impede flows or adversely affect the natural functioning of the Awatere River.

Amongst other matters the NPSFW requires that all Regional Councils manage fresh water and land use and developments in catchment in an integrated and sustainable way so as to avoid, remedy or mitigate adverse effects, including cumulative effects.

The activity proposed seeks to be undertaken in a sustainable way and will avoid, remedy or mitigate any adverse effects on the Awatere River.

7.2 Section 104D – Non-Complying Activities

Section 104D of the RMA sets out particular restrictions for non-complying activities. In respect of these restrictions, this proposal will not be contrary to the objectives and policies of the Plan. Consequently, the application passes at least one of the required 'gateway' tests and can be considered and determined by Council in accordance with Section 104 of the RMA.

7.3 Resource Management Act 1991

Part 2 of the RMA sets out its purpose and principles on which the RMA is founded and from which all other associated statutory framework is derived. The purpose of the RMA is to promote the sustainable management of natural and physical resources. The RPS and the Plan have been developed under the RMA and are generally considered to be the local implementation of the purpose and principles.

7.3.1 Section 6 Matters of National Importance

Matters of national importance are considered with relevance to this application:

a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

The natural character of Awatere River will be maintained.

b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*

There are no outstanding natural features at risk from this proposal.

c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

There are no such areas at risk from this proposal.

d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.*

The proposal does not restrict public access from the subject area any more than the present situation.

e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

The proposal does not restrict the relationship of Maori from the subject area any more than the present situation.

f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

There are no known historic sites relevant to this proposal.

g) *The protection of recognised customary activities.*

There are no known recognised customary activities relevant to this proposal.

7.3.2 Section 7 Other Matters

Section 7 of the Act sets out other matters that Council is to have particular regard to in achieving the purpose of the Act. The matters of relevance to this application are outlined below:

Section 7(b) the efficient use and development of natural and physical resources

Section 7(c) the maintenance and enhancement of amenity values

This application is an efficient use of natural and physical resources. No adverse effects on amenity values are anticipated.

7.3.3 Section 8 Treaty of Waitangi

The application is consistent with the RMA planning framework and is therefore considered consistent with Section 8 in terms of Treaty of Waitangi considerations.

Based on the above assessment, it is submitted that the proposal will meet the purpose and principles of the Act.

7.4 Marlborough Regional Policy Statement

The RPS and the Plan have been developed under the RMA and are generally considered to be the local implementation of the purpose and principles.

Those provisions of the Regional Policy Statement (RPS) that are the most applicable to this proposal include:

> *Objective 5.1.10 – Freshwater Habitat – The integrity of freshwater habitats and natural species diversity be maintained or enhanced.*

While there will be some localised effects to the Awatere River when works are taking place, these are considered as being short term in nature, with no long term effects on natural species diversity anticipated.

The integrity of the freshwater habitat is therefore considered as not being adversely affected by the proposal. The proposal is therefore consistent with this objective.

7.5 Wairau Awatere Resource Management Plan

The Plan has been written in accordance with the provisions of the Marlborough Regional Policy Statement (RPS). As such any matters raised through the objectives and policies of the Plan. The relevant provisions are:

Chapter 4 – Flora and Fauna and their Habitats, contains the following relevant objective;

Objective 4.3.2.1 ***The protection and enhancement of freshwater and riparian ecosystems.***

This application is entirely consistent with this objective and its related policies.

Chapter 6 - Fresh Water, contains the following relevant objectives;

Objective 6.2.1.1 ***To provide for the taking, use, damming and diversion of fresh water in a manner which safeguards the life supporting capacity of the resource and avoids, remedies or mitigates any adverse effects on the environment.***

Objective 6.2.1.2 ***To maintain, and where appropriate enhance, existing freshwater quality.***

This application is entirely consistent with this objective and its related policies.

In summary, this proposal is consistent with the relevant objectives and policies of the Plan, particularly due to the specifics of the application and the nature of the existing environment.

8 Resource Consent Duration

The applicant seeks that the consents sought to breach Section 13 of the Act be granted with a 35 year duration in light of the nature and purpose of activity proposed.

9 Conclusion

Delegat Limited is seeking resource consent for the following activities.

- Land Use – River Surface or Bed Activities
    - *To disturb the Awatere River bed, adjacent to Lots 3 and 4 DP 7493 associated with the maintenance of a water infiltration gallery, as required.*
    - *To provide for on-going maintenance of irrigation infrastructure located within the bed of the Awatere River adjacent to Lot 3 DP 7493.*
    - *To occupy the bed of the Awatere River with an infiltration gallery located adjacent to Lot 3 DP 7493.*
- Water Permit – Divert water
    - *To provide for the diversion of Awatere River water either away from or towards irrigation infrastructure adjacent to Lot 3 DP 7493 associated with maintenance activities or for irrigation purposes.*

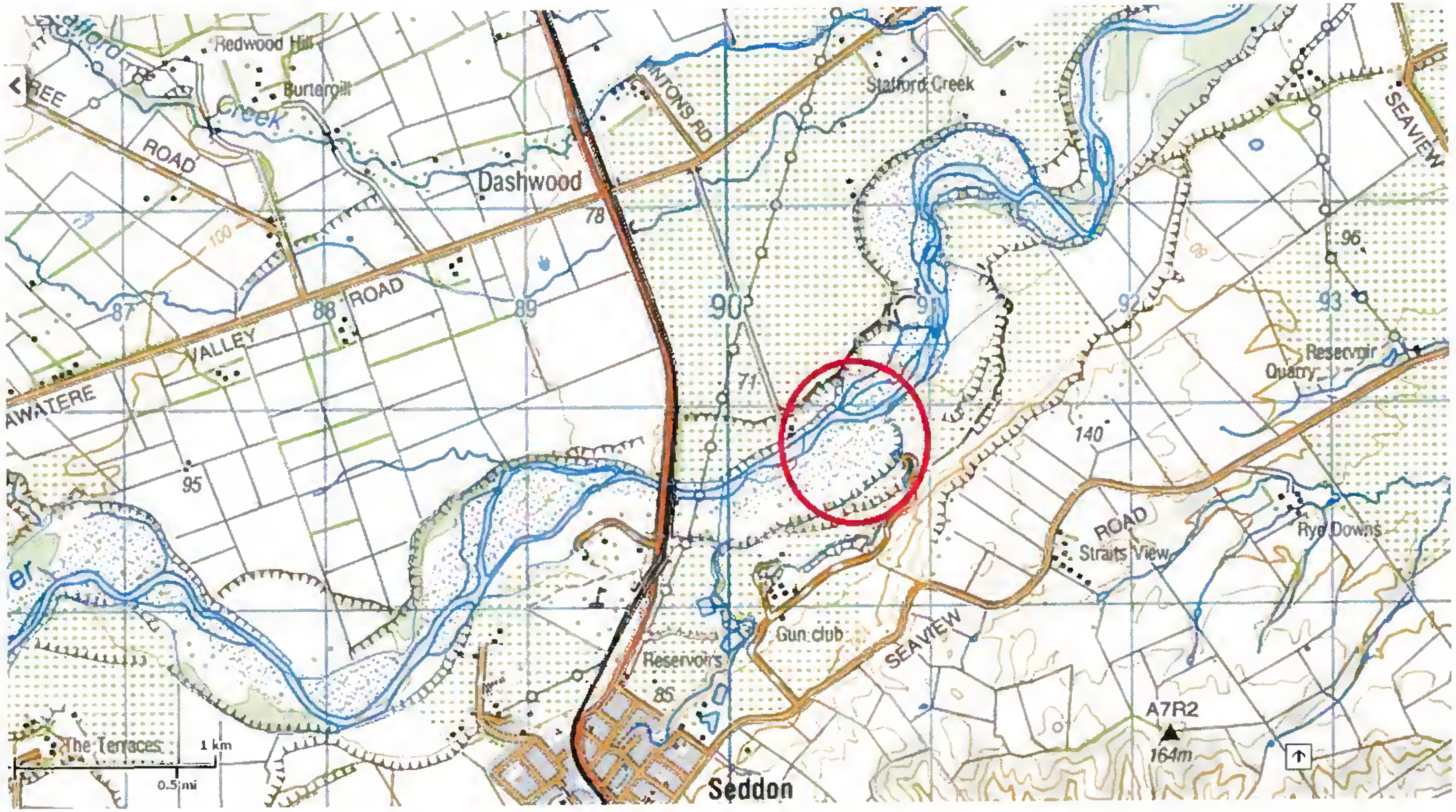
A consent period of 35 years is sought.

Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

The proposal is consistent with the relevant provisions of Part 2 of the Act, the Marlborough Regional Policy Statement and the Wairau Awatere Resource Management Plan.

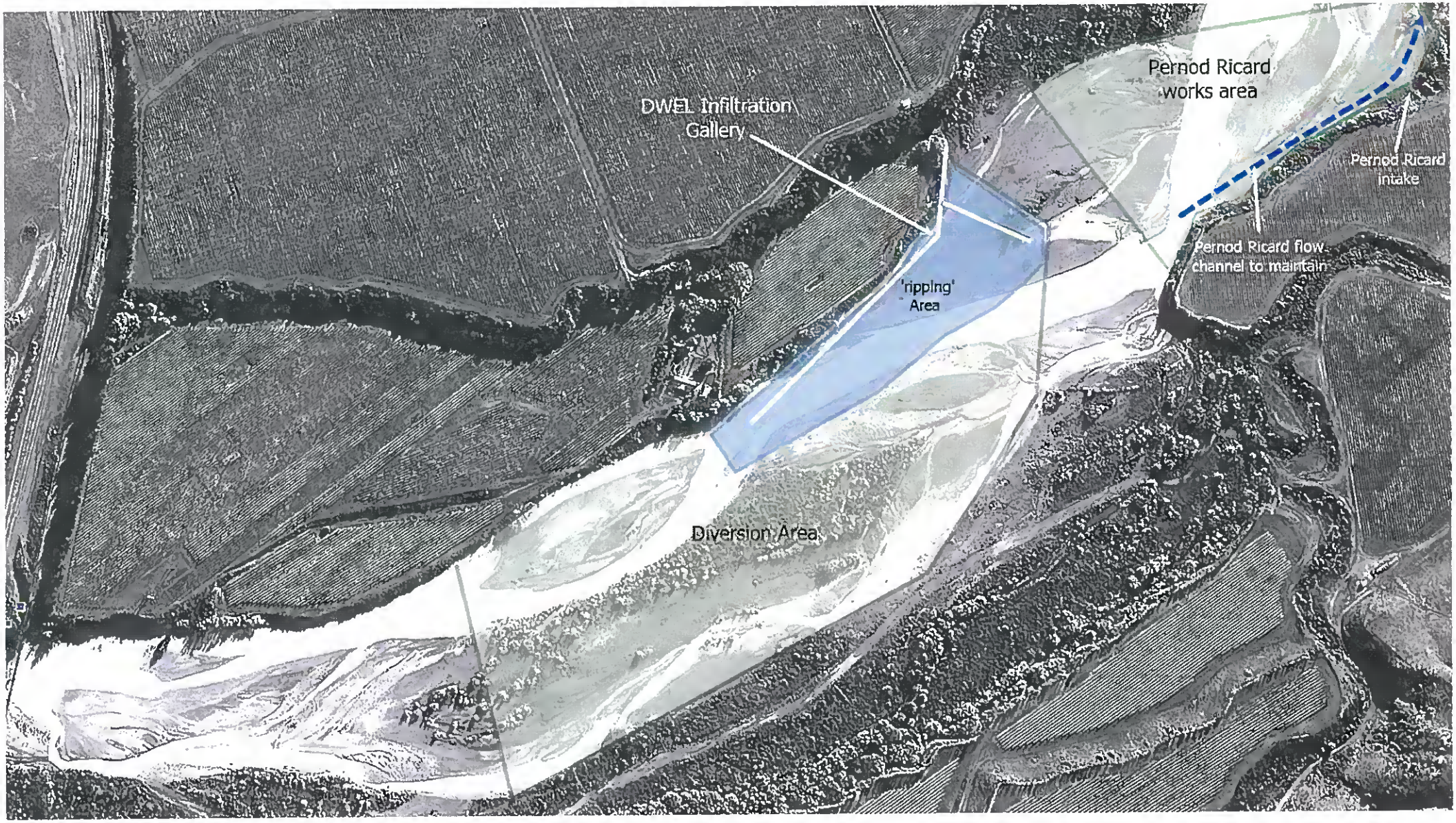
Accordingly resource consent should be granted to this proposal.

Appendix 1 – Location Plan



Redwood Hill
Burleroil
Creek
ROAD
Dashwood
ROAD
VALLEY
AWATERE
Stafford Creek
SEAVIEW
Reservoir
Quarry
ROAD
Straits View
Rye Downs
Gun club
Reservoirs
SEAVIEW
A7R2
164m
The Terraces
1 km
0.5 mi
Seddon

Appendix 2 – Detailed Site Plan


DWEL Infiltration Gallery
Pernod Ricard works area
Pernod Ricard intake
Pernod Ricard flow channel to maintain
'ripping' Area
Diversion Area

Appendix 3 – River Management Strategy

Awatere River Management Strategy

2015

Purpose: ***To provide for diversions within the bed of the Awatere River and the maintenance of intake infrastructure whilst ensuring that potential adverse effects on the environment are avoided, remedied or mitigated.***

When undertaking work within the bed of the Awatere River, the following protocols will be adhered to:

i. That prior to undertaking works within the river bed during September- December inclusive the Consent Holder shall first engage an appropriately qualified person to carry out a bird survey of the adjacent river bed.

a. The bird survey shall be submitted to the Consent Authority at least five working days prior to the proposed works commencing, and

b. Should any nesting birds be identified then no works shall be carried out within 25 metres of any such nests.

ii. That when undertaking works outside of the period September - December the provisions contained in (i.) (above) shall not apply.

iii. That when undertaking works, the following parties must be notified a week prior to works commencing:

a. MDC Regulatory Department;

b. MDC River Engineering staff;

c. MDC Environmental Scientist Aquatic Biota;

d. The Marlborough Fish and Game Council; and

e. Department of Conservation – Renwick Office.

iv. Works shall be undertaken to the standards set out in General Rule 27.1.8.1.3 of the Wairau Awatere Resource Management Plan. In particular:

a. Minimise the effects of water discolouration. Diversion works shall only be carried out working in an upstream direction.

b. Divert the minimum flow practicable.

c. Maintain the braids in the main stem.

d. Redundant channels shall be left open at the downstream end in a manner that ensures that fish are not entrapped.

e. Relocate stranded fish back into the main stem.

v. Access routes to diversion points shall be planned so as not to cut off flow into minor channels or backwaters, to minimise adverse effects on riparian vegetation and birds utilising riparian vegetation.

vi. No machinery wash down, refuelling or fuel storage or the storage or placement of substances including, but not limited to, oil, hydraulic fluid or other fluid lubricants, polyaromatic-hydrocarbons (PAH's), paint and solvents shall take place in or within 20 metres of the river bed.

vii. Excavated and beached gravels shall be placed so as to generally match the natural contour of the area.

viii. Any diversion reach shall be opened by working in an upstream direction at all times.

ix. Digital photographs shall be taken of the diversion reach prior to the diversion of the flow and at a minimum of two hours after the diversion has been completed. All photos shall be forwarded to the Marlborough District Council, attention Environmental Scientist - Aquatic Biota, no later than 5 working days after the diversion takes place.

x. The diversion of water into the diversion channel shall be staged over a minimum 2 hour period.

xi. At all times when the diversion works are being undertaken and for a period of not less than two hours following, all downstream braids, in the diversion reach, shall be monitored and any stranded fish shall be retrieved and released into the main braid of the river.

xii. A record of any recovered stranded fish shall be taken and forwarded to the Marlborough District Council, attention Environmental Scientist - Aquatic Biota, no later than 5 working days after diversion works take place.

xiii. A record of any sportfish recoveries and/or mortalities shall be taken and forwarded to the Marlborough Fish and Game Council, no later than 5 working days after diversions works take place.

xvi. That the primary contact person is Nick Wright, Vineyard Manager. Phone: 03 572 6335 or Cell 021 507 985; email: nick.wright@delegats.co.nz

Appendix 4 – Ecology Report

File Reference: 15280101

11 May 2015

Dr R Balasubramaniam (Bala)
Delegat Limited
PO Box 305
BLENHEIM

EFFECTS OF RIVERBED RIPPING ON AWATERE RIVER AQUATIC ECOLOGY

Dear Bala

Delegat's Wine Estate Limited (Delegat) is seeking land use consent from Marlborough District Council (MDC) to undertake instream works in the Awatere River. The works are associated with maintenance of an infiltration gallery in the bed of the Awatere River, approximately 1 km downstream of State Highway 1, near Seddon. The maintenance works will involve ripping the riverbed to a depth of approximately 0.75 m using heavy machinery, with the aim being to improve permeability and flow into the gallery.

This letter provides an assessment of effects of the proposed riverbed ripping on aquatic ecosystems. Effects on terrestrial biota are not assessed, although I note that consent conditions have been proposed to avoid effects on nesting birds. Effects of river diversion are also outside the scope of this assessment. This effects assessment is based on my understanding of the activity provided in the consent application, discussions with MDC Senior Environmental Scientist Peter Hamill, review of the New Zealand Freshwater Fish Database, and available literature.

1. DESCRIPTION OF THE ENVIRONMENT

The braided Awatere River drains steep ranges south of Blenheim and flows to sea north of Seddon. While the upper reaches of the river include some native scrub and forest, the catchment is dominated by pastoral landuse, and vineyards are common in the lower reaches. Frequent flood disturbance and naturally high turbidity are two factors that strongly influence aquatic communities present in the Awatere River.

Flows in the Awatere River decline over summer, but floods occur frequently throughout the year (Figure 1). The Awatere River flows through mudstone and siltstone geology, which, coupled with frequent flood disturbance, means that the river is often very turbid. The lower Awatere River has a median turbidity 20 NTU, which is the highest of the 34 river sites regularly monitored throughout Marlborough by MDC (Henkel 2014). Although even small amounts of rainfall can increase turbidity at any time of the year, the river is generally clearest over spring/summer (Figure 2). A recent analysis of monitoring data from 2007 to 2013 showed no significant trend in turbidity, nutrients, or faecal indicator bacteria at the lower Awatere River monitoring site (Henkel 2014).

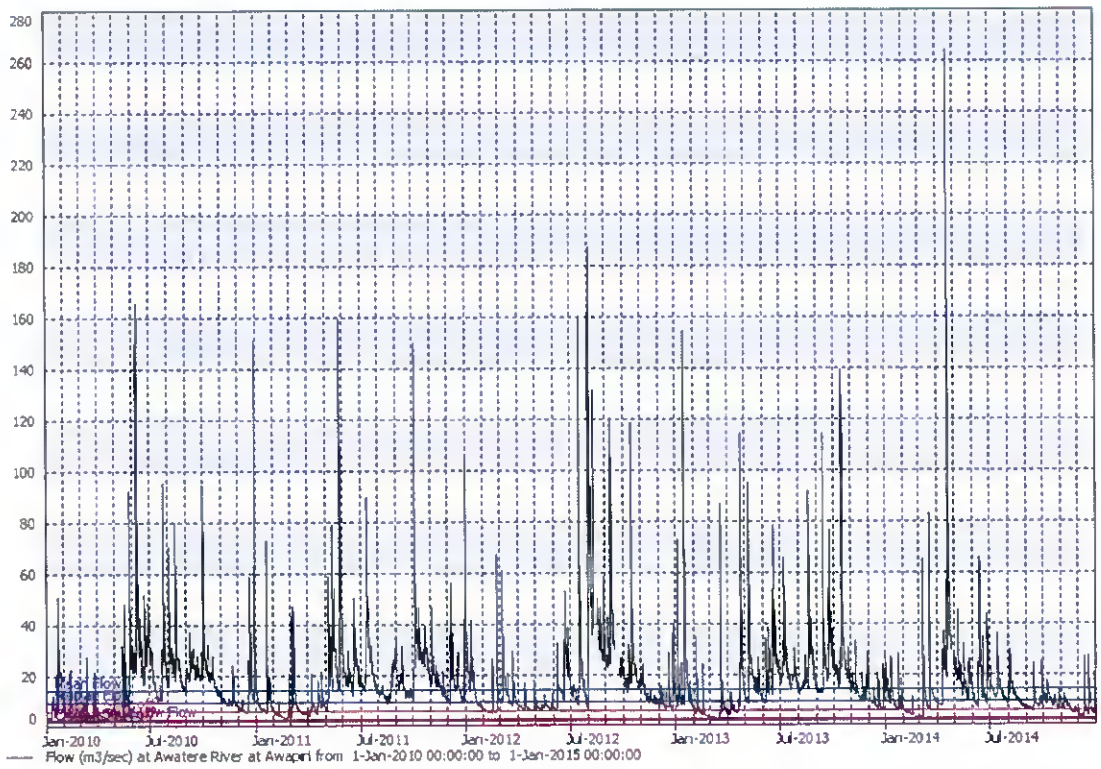


Figure 1: Awatere River flow (m³/s) from 2010 to 2014, showing high flood disturbance and lower summer flows. Data are from the MDC Awapiri flow recorder.

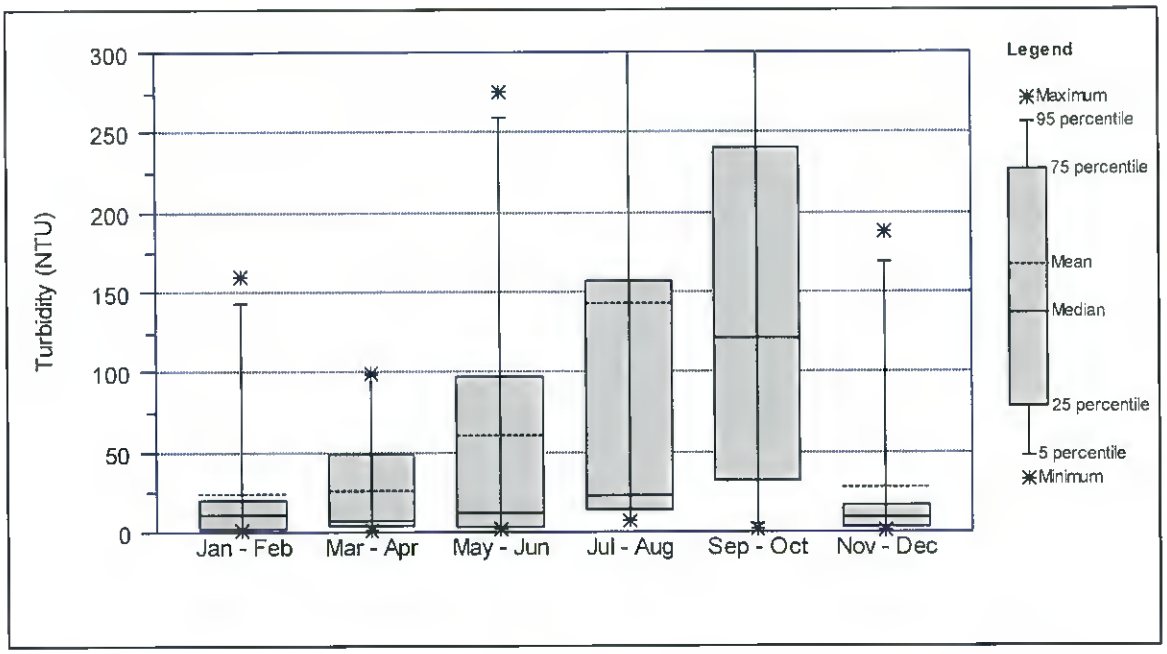


Figure 2: Turbidity measured at the Awatere River mouth monitoring site. Based on monthly data from 2007 to 2013 collected by MDC. The vertical axis has been shortened to easily compare data amongst sites.

Braided rivers such as the Awatere are characterised by low primary productivity, due to frequent bed scouring by floods. This means that braided rivers have low cover with streambed algae (periphyton) and very few aquatic plants (macrophytes). In addition to flood disturbance,

high turbidity would further significantly limit primary productivity in the Awatere River. Flood disturbance and turbidity also influences the composition of the invertebrate and fish communities present. Braided rivers are typically dominated by insects such as the common mayfly *Deleatidium* that are able to rapidly re-colonise after floods, although the abundance and diversity of invertebrates will increase during periods of stable flow (Sagar 1983). Invertebrate monitoring data collected by MDC at the river mouth monitoring site shows no trend in invertebrate community health over time (pers. comm., Peter Hamill, MDC).

A total of 14 fish species have been recorded from the Awatere River catchment, including 12 native species (Table 1). Ten of the 14 species are diadromous, meaning that they have to migrate to the sea as adults or juveniles to complete their life history. The northern flathead galaxias (*Galaxias* species N) is the most frequently recorded species in the catchment and it has a "nationally vulnerable" threat status (Goodman et al., 2014). Six other fish species in the catchment have a "declining" threat status: longfin eel (*Anguilla dieffenbachia*), torrentfish (*Cheimarrichthys fosteri*), koaro (*G. brevipinnis*), dwarf galaxias (*G. divergens*), bluegill bully (*Gobiomorphus hubbsi*), and inanga (*G. maculatus*). Brown trout (*Salmo trutta*) are an introduced sports fish that are also found in the catchment, although the Awatere River is regarded as a poor sports fishery, due to frequent flood disturbance and high turbidity.

Table 1: Freshwater Fish Database records from the Awatere River catchment.

Species[1]	Common Name	Threat Status[2]	Count[3]
Galaxias species N	Northern flathead galaxias	Nationally vulnerable	28
Gobiomorphus breviceps	Upland bully	Not threatened	27
*Anguilla dieffenbachia**	Longfin eel	Declining	25
*Cheimarrichthys fosteri**	Torrentfish	Declining	22
*Galaxias brevipinnis**	Koaro	Declining	14
Salmo trutta	Brown trout	Introduced	12
*Gobiomorphus cotidianus**	Common bully	Not threatened	9
*Anguilla australis**	Shortfin eel	Not threatened	9
Galaxias divergens	Dwarf galaxias	Declining	3
*Gobiomorphus hubbsi**	Bluegill bully	Declining	2
*Oncorhynchus tshawytscha**	Chinook salmon	Introduced	1
*Galaxias maculatus**	Inanga	Declining	1
*Gobiomorphus gobioides**	Giant bully	Not threatened	1
*Rhombosolea retiaria**	Black flounder	Not threatened	1

Notes: [1]Asterisks indicate migratory species. [2]Threat status is from Goodman et al. (2014). [3]Data are number of database records, not counts of individual fish. Database accessed on 15 April 2015.

Fish species that are likely to reside near or migrate past the Delegat infiltration gallery are shown in Figure 3 and Figure 4, and include:

- Longfin and shortfin eel
- Torrentfish
- Koaro
- Bluegill bully
- Upland bully (*G. breviceps*)
- Common bully (*G. cotidianus*)

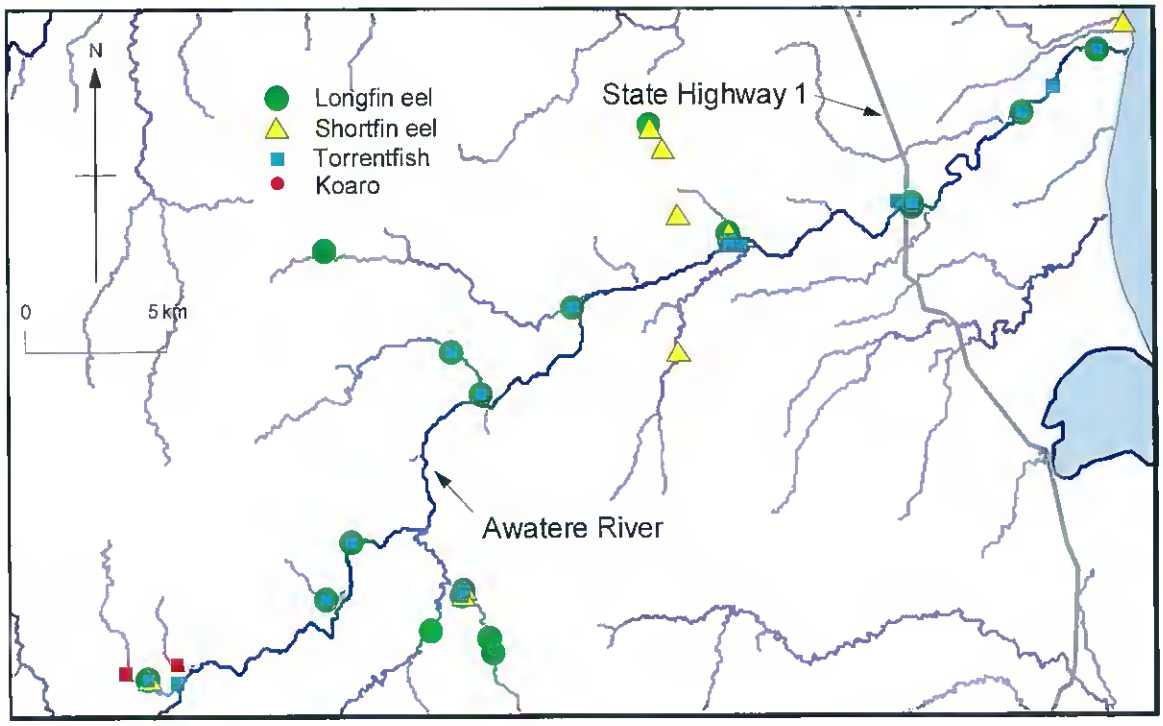


Figure 3: Freshwater Fish Database records for longfin eel, shortfin eel, torrentfish, and koaro in the Awatere River.

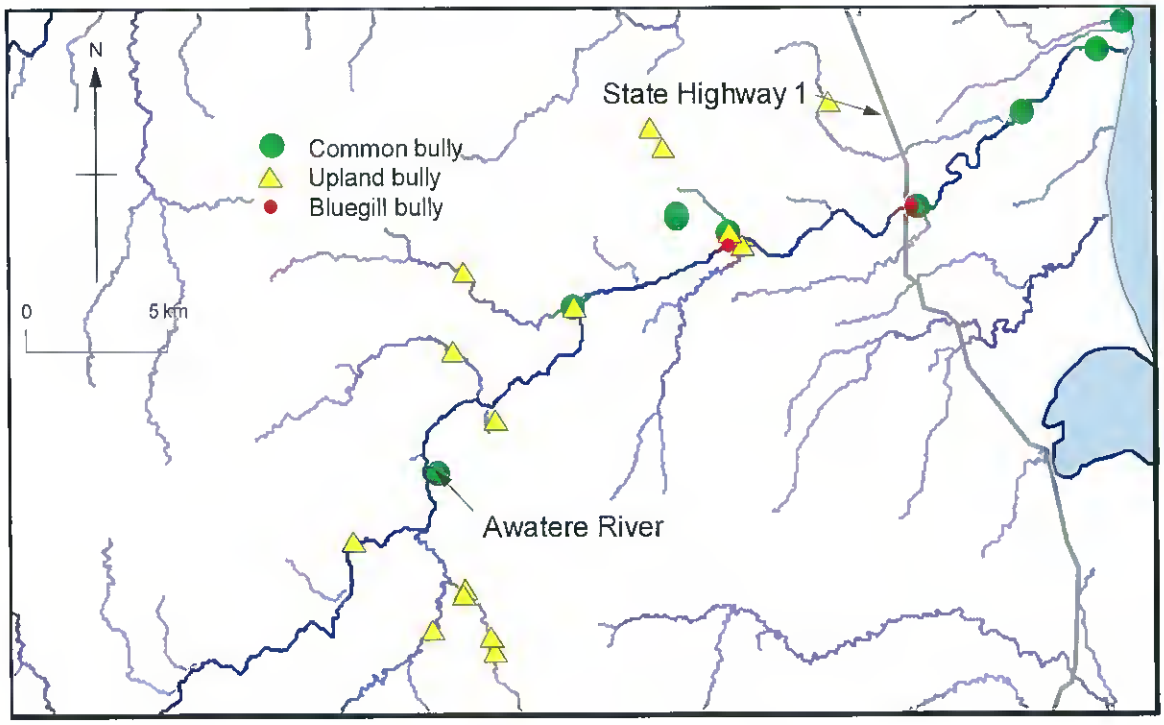


Figure 4: Freshwater Fish Database records for common bully, upland bully, and bluegill bully in the Awatere River.

Of the remaining species frequently recorded in the Freshwater Fish Database, several are only found further upstream (e.g., northern flathead galaxias) or well downstream (e.g., inanga) of the Delegat infiltration gallery, or in upstream tributaries (e.g., dwarf galaxias and brown trout).

2. ASSESSMENT OF EFFECTS

Two key potential effects of riverbed ripping on aquatic ecosystems are destruction of fish and fish habitat caused by the ripping activity, and impacts associated with increased turbidity and fine sediment deposition. The following sections assess the significance of these effects, taking into account the scale and frequency of disturbance, and the sensitivity of the habitats and species potentially affected.

2.1. Destruction of Fish and Fish Habitat

The consent application notes that the ripping activity will involve driving an excavator or bulldozer over the riverbed and disturbing the riverbed to a depth of 0.75 m. Ripping may occur across the entire flowing channel, although the activity will be restricted to the immediate vicinity of the infiltration gallery. Ripping is expected to be infrequent, and will likely occur during summer when river flows are lower and irrigation demand is highest. The consent application states that maintenance works (including ripping) will usually be completed within half a day.

The ripping activity will result in some fish mortality and the disturbance of some fish habitat. While there is evidence that some native fish can avoid large disturbance events such as floods (McEwan & Joy 2013), such disturbances still result in fish mortality. In addition, ripping likely has a greater localised impact than large floods. This is because floods are preceded by increasing water levels and turbidity, which may provide a cue for fish to migrate to slower flowing areas (Lytle & Poff 2004), whereas mechanical disturbance by ripping would occur with minimal cues.

I consider that the scale of impact on fish and fish habitat would be small and localised. This is because the total area of disturbance is small and the frequency of disturbance would be low. In addition, habitat impacts would temporary, provided that there is no overall change in riverbed form following ripping (e.g., channel straightening or flattening of riffles).

2.2. Effects of Increased Turbidity and Sediment Deposition

Ripping up the riverbed will release fine sediment into the water column, which will increase turbidity and result in fine sediment deposition downstream. The impacts of fine sediment on aquatic biota are well understood, and include reduced algal production, gill abrasion, disruption of spawning migrations, and smothering of habitat, invertebrates, and fish (Ryan 1991; Davies-Colley & Smith 2001; Clapcott et al. 2011). Impacts depend on the amount of sediment released and deposited, the duration of the activity, and the sensitivity of the species present. For the present application, the spatial scale of the effect will be relatively small and the activity will be infrequent, so the key remaining issue is the sensitivity of the biota.

The Awatere River is characterised by naturally high turbidity (see Section 1 above) and the native fish fauna present in the mainstem is dominated by sediment-tolerant species. This is supported by research that found common bully, longfin eel, bluegill bully, torrentfish, and inanga (which are all present in the Awatere River) are tolerant of high turbidity and are unlikely to be affected by increased turbidity (Rowe et al. 2009). This suggests that the Awatere River fish fauna will generally be tolerant of sediment increases caused by ripping.

It is unknown whether the sediment-tolerant fish species found in the Awatere River have life stages that are particularly sensitive to high turbidity. For some fish species (particularly trout and salmon), the spawning, egg, and larval stages are the most sensitive to high turbidity and sediment deposition. While some native fish spawn following floods (Charteris et al. 2003), it

is uncertain whether native fish such as torrentfish or bluegill bully have similar spawning cues; it is quite possible that they may in fact spawn opportunistically during periods of clear water and low flow. The implication is that some sediment-tolerant fish of the Awatere River may be more sensitive to increased turbidity when the water is relatively clear during spawning, but this is uncertain due to a lack of knowledge about the spawning habits of many native fish species.

I consider that elevated turbidity and sediment deposition caused by the ripping activity may have a localised effect on fish and invertebrates. However, the impact will be infrequent and the effect would be small, due to the small area of disturbance and because the fauna is dominated by species that are tolerant of high turbidity.

2.3. Cumulative Effects

Expansion of vineyards in the Awatere River valley has seen a large increase in the number of infiltration galleries installed in recent years. There are approximately 29 infiltration galleries in the Awatere River, including 14 galleries in the 12 km length of river between State Highway 1 and the coast (MDC data). A recent survey of infiltration gallery performance in the Marlborough district noted that gallery clogging with fine sediment is widespread and that ripping is a common practice (Scales 2014). Given the prevalence of infiltration galleries in the Awatere River, and the use of ripping to maintain gallery performance, there is the potential for ripping activities to result in cumulative adverse effects.

Marlborough District Council has raised concerns that the prevalence of ripping in the Awatere River could adversely affect aquatic ecosystems (pers. comm. Peter Hamill, MDC). In particular, there is concern that ripping for most galleries tends to be concentrated during periods of low summer low flows. Although contractors are in the river for a short period of time at each individual gallery, the total time spent in the river is higher when ripping activities of nearby galleries are considered.

Monitoring data from the lower Awatere River has shown no increase in turbidity over time, and there has apparently been no decline in macroinvertebrate community health (pers. comm. Peter Hamill, MDC). However, the MDC monitoring site may not be detecting effects that are occurring further upstream, and the monthly turbidity monitoring may be too infrequent to detect turbidity effects. Furthermore, there has been no targeted monitoring of turbidity, invertebrates and fish in relation to ripping activities (pers. comm. Peter Hamill, MDC).

In summary, there is some potential for the proposed activity to contribute to cumulative adverse effects, but there is considerable uncertainty around this effect. This is because the fish species present are generally tolerant of disturbance and turbid water, but it is unknown whether some species may be more sensitive during spawning.

2.4. Summary of Effects

The instream works proposed by Delegat will destroy some fish and fish habitat in the immediate vicinity of the activity, although any impact will be localised, infrequent, and temporary. However, this activity could contribute to cumulative adverse effects, given the prevalence of infiltration galleries in the Awatere River and associated ripping activities. While the naturally high turbidity is a potential mitigating factor, there is uncertainty over the scale and significance of cumulative effects due to a lack of monitoring data, and it is uncertain whether effects will be greater during periods of low background turbidity.

3. RECOMMENDEDATIONS TO AVOID AND MITIGATE EFFECTS

Given the certainty over localised impacts and uncertainty over cumulative adverse effects, I consider some mitigation is necessary. The most effective way to avoid ripping effects would be to use an alternative intake structure, such as a screened intake that draws water from the riverbank. However, I understand this is not a practical option for the current application, given the investment in the existing infiltration gallery.

I recommend the following measures to avoid and mitigate effects:

- **Undertake ripping when the river is already naturally turbid.** If work is undertaken during a flood recession, it would avoid effects during clear water periods, when fish may be more sensitive to increased turbidity. This recommendation is consistent with guidance by the Awatere Water Users Group (2013) and Ngai Tahu (McGregor & Begley 2014).
- **Restrict the duration of instream works when the river is naturally clear.** This is to further limit sedimentation effects. The Awatere Water Users Group (2013) and Ngai Tahu (McGregor & Begley 2014) recommend limiting the duration of instream works to 30 minutes, but I understand Delegat consider that 2 hours is a more realistic time limit.
- **Restrict ripping frequency.** This is to limit the frequency of disturbance to aquatic species and their habitat, and avoids different interpretations of what constitutes an "infrequent" activity. I understand ripping may need to occur on average twice a year, but that Delegat would like the flexibility to undertake works more frequently under exceptional circumstances (e.g., during a very flood prone year).
- **Avoid sensitive migratory periods.** Native fish may be present at any time, but there are peaks in migration during spring and autumn. Undertaking instream works in January and February would therefore reduce effects on native fish migrations.
- **Provide a stand down period.** Providing a stand down period between the completion of ripping by one consent holder and commencement of ripping by a neighbouring consent holder may reduce potential cumulative effects. This would require some co-ordination amongst river abstractors, including agreement on how many days stand down is practical.

Fish salvage and relocation prior to ripping could also be undertaken to reduce impacts. This would involve electric fishing to salvage resident fish prior to ripping, with salvaged fish being returned well upstream of the ripping activity. However, electric fishing efficiency would be low if the water is turbid (which is when I recommend ripping should occur) and where the water is too deep or swift to safely fish in. I therefore do not recommend electric fishing and salvage as a mitigation measure, as I believe it may become an impractical consent condition.

4. CLOSURE

Please contact Greg Burrell on 022 0169 089 or gburrell@instream.co.nz if you would like to discuss details contained within this letter.

Yours sincerely

Dr Greg Burrell
Director and Scientist
Instream Consulting Ltd

Attachments: References cited in this letter

REFERENCES

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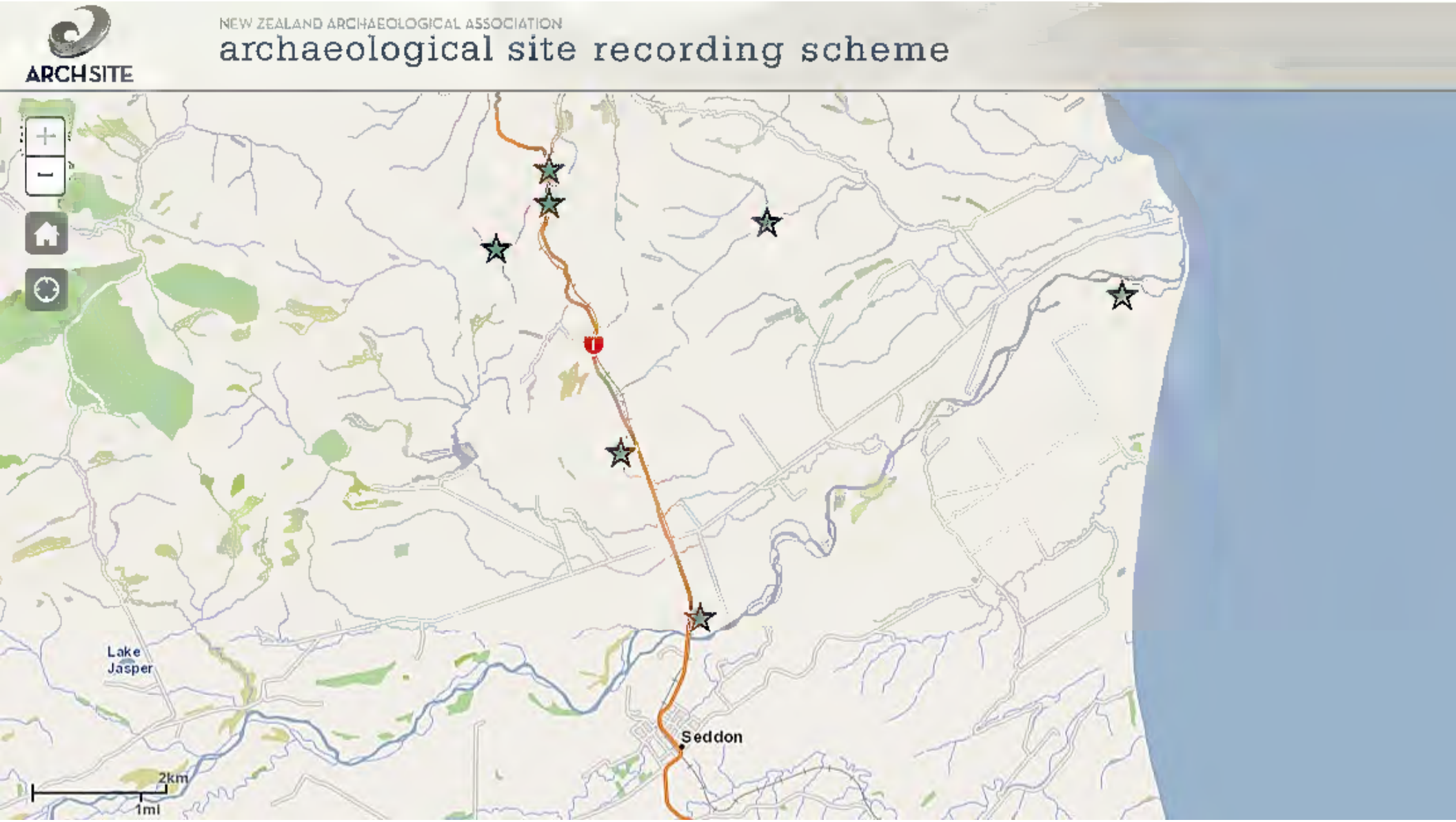
Appendix 5 – Archaeological Map


ARCHSITE
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION
archaeological site recording scheme
Lake
Jasper
Seddon
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To: Marlborough District Council
PO Box 443
Blenheim 7240

MARLBOROUGH DISTRICT COUNCIL

ISO 9001:2008
Document Number:
RAF0010-CI1220

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full .....

Address for Service *(include post code)* .....

.....

.....

Email .....

Telephone *(day)* Mobile Facsimile

Contact Person *(name and designation, if applicable)* .....

.....

2. Application Details

Application Number U .....

Name of Applicant *(state full name)* .....

Application Site Address .....

Description of Proposal .....

.....

.....

3. Submission Details *(please tick one)*

I/we support all or part of the application ☐

I/we oppose all or part of the application ☐

I/we are neutral to all or part of the application ☐

The specific parts of the application that my/our submission relates to are *(give details, using additional pages if required)*

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The reasons for my/our submission are *(use additional pages if required)*

The decision I/we would like the Council to make is *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)*

---

4. Submission at the Hearing

I/we wish to speak in support of my/our submission ☐

I/we do not wish to speak in support of my/our submission ☐

OPTIONAL: Pursuant to section 100A of the Resource Management Act 1991 I/we request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)* ☐

5. Signature

Signature ---------- Date ----------

Signature ---------- Date ----------

6. Important Information

- Council must receive this completed submission before the closing date and time for submission for this application. The completed submission may be emailed to mdc@marlborough.govt.nz
- You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
- Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the hearing report.

7. Privacy Information

The information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public file held by Council. The details may also be available to the public on Council's website. If you wish to request access to, or correction of, your details, please contact Council.