



**MARLBOROUGH  
DISTRICT COUNCIL**

# **RESOURCE CONSENT APPLICATION**

## **U150839**

## **I A Rogers and A J Parr**

3397 State Highway 63, Wairau Valley

## **Submissions Close**

**5.00 pm Thursday 12 November 2015**

# HARDY-JONES CLARK

LAWYERS • NOTARY PUBLIC

11 September 2015

Marlborough District Council  
PO Box 443  
**BLenheim 7240**

**Attention: Resource Consents Officer**

Dear Sir/Madam

## **WATER PERMIT APPLICATION**

- 1 We enclose herewith an application for a water permit for Ian Rogers and Alison Parr relating to the property at 3397 State Highway 63, Wairau Valley.
- 2 These applicants are also the applicants of consent application U120150 taking water from Huddleston Stream.
- 3 A submitter has indicated that there will be adverse ecological effects. Our clients have taken those concerns on board and in an attempt to mitigate those adverse effects have chosen to apply for a take of Wairau Class B water.
- 4 We would be pleased if you would put on hold the application in respect of U120150 until such time as the Wairau Class B matter is heard. The intent being that if the new application is successful the Huddleston Stream application would not be continued.
- 5 We enclose herewith the application and our cheque for \$945.00 being the consent fee.

Yours faithfully

**Hardy-Jones Clark**



**Mike Hardy-Jones**  
**Partner**

Email: mike@hjc.co.nz  
Ref: 33605.011

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# Resource Consent Application

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



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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 to cover several aspects of the activity on this form.

## For Office Use

ISO 9001:2008  
Document Number:  
RAF0002-C11579

Lodgement Fee Paid \$ 945-00

Receipt No. 1747079

Consent No.

Case Officer:

Date Received:

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## 1. Applicant Details (If a trust, list full names of all trustees.)

Name: Ian Alan Rogers & Alison Parr  
(full legal name)

Mailing Address: Beverley Hills, 3397 State Highway 63, Wairau Valley 7271  
(including post code)

Email Address: ali.parr.nz@gmail.com

Phone: (Daytime) 03 577 2162

Phone: (Mobile)

## 2. Agent Details (If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)

Name: Mike Hardy-Jones

Mailing Address: PO Box 646  
(including post code) Blenheim 7240

Email Address: mike@hjc.co.nz

Phone: (Daytime) 03 578 0323

Phone: (Mobile)

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### 3. Type of Resource Consent Applied For

☐ Coastal Permit      ☐ Discharge Permit      ☐ Land Use      ☐ Subdivision      ☒ Water Permit

### 4. Brief Description of the Activity

To abstract and use Class B water from the Wairau River for the purposes of irrigation of up to 21 hectares of crop and pasture on Lot 3 DP 419657, up to 10 hectares of crop and pasture on Lot 1 DP 430777 and up to 37 hectares of crop and pasture on Lot 2 DP 430777.

### 5. Supplementary Information Provided?

☐ Yes      ☐ No

*Council has supplementary forms for some activities, such as moorings, water permits, domestic wastewater, discharge permits, to assist applicants with providing the required information.*

### 6. Property Details

The location to which the application relates is (address): 3397 State Highway 63

Legal description (i.e. Lot 1 DP 1234): Lot 3 DP 419657, Lot 1 DP 430777 & Lot 2 DP 430777

*(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 that is less than 3 months old (except for coastal or water permits).**

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: 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.*

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

I attach, in accordance with Schedule Four of the Resource Management Act 1991, an assessment of environmental effects in a level of detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment. Applications also have to include consideration of the provisions of the Resource Management Act 1991 and other relevant planning documents.

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

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## 8. 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. ☒ Yes ☐ No

## 9. Fees

1. The applicable lodgement (base) fee is to be paid at the time of lodging this application. If payment is made into Council's bank account 02-0600-0202861-02, please put Applicant Name and either U-number, property number or consent type as a reference. If you require a GST receipt for a bank payment, please tick ☐
2. The final cost of processing the application will be based on actual time and costs in accordance with Council's charging policy. If actual costs exceed the lodgement fee an invoice will be issued (if actual costs are less, a refund will be made). Invoices are due for payment on the 20th of the month following invoice date. Council may stop processing an application until an overdue invoice is paid in full. Council charges interest on overdue invoices at 15% per annum from the date of issue to the date of payment. In the event of non-payment, legal and other costs of recovery will also be charged.
3. Please make invoice out to: ☒ Applicant ☐ Agent  
(if neither is ticked the invoice will be made out to Applicant)

## 10. Declaration

I (please print name) \_\_\_\_\_

confirm that the information provided in this application and the attachments to it are accurate.

Signature of applicant or authorised agent: \_\_\_\_\_

Date: \_\_\_\_\_

10/9/2015

### 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.

Reset Form

Applicants Name **Ian Alan Rogers & Alison Jane Parr**



ISO 9001:20002  
Document Number: RAF0007-CI987

## 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)

Pasture and crop irrigation .....

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

5. Maximum quantity of take ..... 8 ..... 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.

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**SURFACE WATER:**

1. Abstraction method direct suction  
(e.g. intake gallery, suction hose, diversion channel, etc.)
2. Number of pumps to be used? 1
3. Rate of flow for pump .....litres per second.
4. Delivery pipe diameter .....millimetres

**DAMMING OR DIVERTING WATER:**

1. Please advise reason and purpose .....
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 <i>e.g. corn, olives, etc</i>	Pasture & crops															
AREA <i>Number of hectares</i>	Up to 68															
APPLICATION RATE (m <sup>3</sup> / ha / day)																
QUANTITY <i>Cubic metres per day</i>	1390															
IRRIGATION PERIOD <i>Circle months which apply</i>	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr
	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug
	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec
METHOD <i>Trickle, spray, etc</i>	Spray															

Conversion formulae – 1,000 litres = 1 cubic metre (m<sup>3</sup>) = 220 gallons    1 acre = 0.4047 hectare

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# RESOURCE CONSENT APPLICATION

*An Application for Resource Consent – WATER PERMIT APPLICATION  
To take and use "Class B" water from the Wairau River for irrigation purposes*

*APPLICANT*

*Ian Alan Rogers & Alison Jane Parr*

**HARDY-JONES CLARK**

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## 1 INTRODUCTION

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The applicant is Ian Alan Rogers & Alison Jane Parr.

The applicants own two separate properties in the Wairau Valley being 3506 & 3397 State Highway 63. The legal descriptions are:

- Lot 3 DP 419657; and
- Lots 1 & 2 DP 430777.

The applicants have previously held resource consent to abstract and use water for irrigation on both properties as follows:

- U110473 related to Lot 3 DP 419657. This water permit was not given effect to and is considered to have lapsed on 1 November 2013; and
- U010909 related to Lots 1 & 2 DP 430777. This resource consent expired and a replacement application U120150 was applied for.

Following a re-consideration of the applicants development options, the need for a reliable supply of irrigation water and consideration of potential environmental effects on Huddleston Stream it is now proposed to abstract and use Wairau River Class B water from a single intake to irrigate both properties. On the successful grant of this application U120150 will be withdrawn.

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:

- Water Permit – Take Surface Water
- Water Permit – Use Surface Water

Attached to this application are the following:

- Appendix 1 – Location Plan;
- Appendix 2 – Detailed Site Plan;
- Appendix 3 – Title Documents.

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## 2 THE PROPOSAL

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Ian Alan Rogers & Alison Jane Parr seek resource consent to abstract and use Wairau River Class B water as follows:

- Water Permit – Take Surface Water:
  - *To abstract surface water via direct suction at up to 16 l/s and 1390 m<sup>3</sup>/day.*
- Water Permit – Use Surface Water:
  - *To use water for the irrigation of:*
    - *up to 21 ha of crop & pasture on Lot 3 DP 419657;*
    - *up to 10 ha of crop & pasture on Lot 1 DP 430777; and*
    - *up to 37 ha of crop & pasture on Lot 2 DP 430777.*

Water will be abstracted via direct suction with a telemetered water meter installed on the pump prior to the abstraction of irrigation water.

It is noted that the daily maximum volume of water applied for is not sufficient to allow for the irrigation of the entire properties simultaneously. The applicants do however seek resource consent to irrigate as much or as little of the two properties as desired subject to the maximum daily abstraction limit.

It is further noted that a license to cross and occupy the road reserve is required. All necessary approvals and licenses will be applied for in due course.

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### 3 THE EXISTING ENVIRONMENT

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#### 3.1 THE WAIRAU RIVER

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At this location the Wairau River is typical of much of its length in the middle to lower reaches with the width of the gravel bed being some 700 metres. The flow is typically concentrated into one dominant braid with secondary and tertiary braids common.

According to the MDC website, the average annual minimum flow is 12.04m<sup>3</sup>/s at the Tua Marina recorder site and the mean flow is 103m<sup>3</sup>/s.

According to bird surveys summarised in Barker (Birds using the Awatere, Pelorus, Waima/Ure and Wairau Riverbeds for Nesting 2004) seven key river-dependent bird species can be found breeding and nesting in the middle stretch of the Wairau River; the pied oystercatcher, pied stilt, banded dotterel, black-fronted dotterel, black billed gull, black-backed gull, black-fronted tern. Breeding and nesting seasons are generally through spring and summer.

Brown trout are the main sport fish in the river which is a highly valued recreation resource.

#### 3.2 NEIGHBOURING INTAKES

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The nearest neighbouring intake is bore O28w\_0242 which previously provided water to the property as per U090572. This intake is located upstream of the proposed intake at a distance of some 250 metres.

There is a water permit located a further 750 metres downstream in the name of GW Webb.

#### 3.3 LANDFORMS & LAND USE

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The property to the north of SH63 consists of a series of alluvial terraces which are generally level, falling very gently to the north.

There are no notable landforms, ecosystems, species or sites with cultural, heritage or archaeological significance within the project footprint, as defined in the Wairau Awatere Resource Management Plan.

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### 3.4 TERRESTRIAL BIODIVERSITY

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There is no known bird nesting sites or habitats of significance for bird life as the site is currently used for pastoral farming. For the same reason there are no significant plants or habitats for significant species.

## 4 STATUTORY FRAMEWORK

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### 4.1 THE RESOURCE MANAGEMENT ACT 1991

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Section 14 of the RMA requires that no person may take, use or divert water unless expressly allowed by a rule in a regional plan, and in any relevant proposed regional plan or a resource consent.

### 4.2 THE WAIRAU AWATERE RESOURCE MANAGEMENT PLAN

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The subject site is zoned Rural 4 under the Wairau Awatere Resource Management Plan (the Plan).

General Rule 27.1.2.4 provides for the abstraction of greater than 500m<sup>3</sup>/day/site from the Wairau River as a non-complying activity.

There are no specific rules contained within the Plan for water use. Therefore an application for resource consent to use water is considered to be an in-nominate activity under the RMA. Such activities are in turn considered as discretionary activities.

## 5 CONSULTATION AND NOTIFICATION

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No consultation has been undertaken as it is anticipated this application will be publicly notified.

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## 6 STATUTORY ACKNOWLEDGEMENTS

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A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of a tangata whenua group in relation to specified areas – particularly the cultural, spiritual, historical and traditional associations with an area.

It is recognised that the Crown has provided a Statutory Acknowledgement over the Wairau River to Ngati Rarua, Rangitane o Wairau and Ngati Toa.

It is considered that as this proposal is to increase the irrigable land area whilst also surrendering a volume of allocated water that there are no effects on or implications for the above listed iwi.

## 7 ASSESSMENT OF EFFECTS

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### 7.1 EFFECTS ON THE WAIRAU RIVER

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The water allocation regime for the Wairau River is contained within the Wairau / Awatere Resource Management Plan (the Plan). This allocation regime allows for the abstraction of Class A, B and C water from the Wairau River.

Specifically:

- Class B water from the Wairau River can be abstracted when flow in the river is greater than 8 cubic metres per second (cumecs) as recorded at the Council's Tua Marina recorder site, and
- Restrictions on Class B abstractions may be imposed when the flow is at or below 30 cumecs and all abstraction will cease when the flow reaches 8 cumecs. In total there is 15 cubic metres per second of Class B water set aside for abstraction from the Wairau River.

The water allocation regime contained within the Plan has been established 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". Therefore, if any resource consent application to abstract water is consistent with this regime then the abstraction will not lead to the occurrence of adverse effects on the environment and will ensure that the life supporting capacity of the Wairau River is safeguarded.

The proposed abstraction will not cause the Wairau River to flow any lower than it has previously, because the abstraction will cease prior to these lowest flows being reached.

Consequently, this application is entirely consistent with the water allocation regime for the Wairau River as contained in the Plan and will not result in the occurrence of more than minor adverse effects on the environment.

In addition this application once granted will result in a reduction in the total allocated volume by some 224 m<sup>3</sup>/day from that currently allocated as per U061189.

## 7.2 EFFECTS ON OTHER USERS

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The nearest neighbouring intake is located in excess of 750 m downstream (held in the name of GW Webb).

Given this separation distance and the close proximity of the large recharge source, being the Wairau River, it is unlikely that there will be any adverse interference effects on neighbouring abstractions as a result of this proposal.

## 7.3 WATER USE

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The amount of water sought is consistent with Council's allocation guidelines. It is unlikely that the applicant will use the maximum amount of water applied for every day of the year, as irrigation requirements will vary throughout the irrigation season depending on soil moisture levels. In seasons where there is regular rainfall, reduced irrigation would be required; conversely, during dry seasons the applicant's actual water use is likely to more closely reflect the allocated volume.

The use of water to irrigate vineyards is in accordance with the provisions of the Plan in respect to the rural environment as expressed in Chapter 12 of the Plan. In particular it enables the use of the versatile soils of the Wairau Plains for intensive production in a sustainable manner.

## 7.4 ANY ALTERNATIVE LOCATIONS OR METHODS

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No alternative locations or methods have been considered. The application as proposed will allow for economic benefits to be derived from the sustainable use of the Wairau River. Any potential adverse effects are not considered to be more than minor.



## 7.5 ANY OTHER POTENTIAL EFFECT

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The proposal is not anticipated to have any adverse effects on those in the neighbourhood or wider community (including any socio-economic or cultural effects).

There are no known / recorded archaeological or recognised customary activities associated with the subject site. Consequently it is considered that the proposed activities will not lead to the occurrence of adverse cultural effects.

As shown in the attached certificates of title there are no constraints, for example, consent notices, that seek to limit the proposed activities on the subject properties.

There are no other potential effects anticipated.

## 8 OTHER MATTERS

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### 8.1 RESOURCE MANAGEMENT ACT 1991

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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.

#### 8.1.1 SECTION 6 MATTERS OF NATIONAL IMPORTANCE

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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.*

This proposal seeks the reallocation of a lesser volume of Wairau River Class B water than currently allocated. It is not considered that this proposal will in any way impact upon the natural character of the Wairau River.

- 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.*

There is no effect on the current nature or location of public access as a result of the current or proposed take and use of water.

- 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 exclude Maori from the use of the Wairua River resource.

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

There are no historic sites relevant to this proposal.

- g) The protection of recognised customary activities.*

There are no recognised customary activities relevant to this proposal.

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#### 8.1.2 SECTION 7 OTHER MATTERS

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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.

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### 8.1.3 SECTION 8 TREATY OF WAITANGI

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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.

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### 8.1.4 SECTION 104D – NON-COMPLYING ACTIVITIES

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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.

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## 8.2 THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

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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.

Amongst other matters the NPSFW requires that all Regional Councils ensure that the allocation of water resources above a pre-determined sustainable maximum volume does not occur and if any such 'over-allocation' exists then the Regional Council must undertake steps to reduce the over-allocation.

The Wairau River has a formal allocation regime as detailed above. There is Class B water available for allocation.

The proposal is consistent with the NPSFW.

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## 8.3 MARLBOROUGH REGIONAL POLICY STATEMENT

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The 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.*

The natural character of the Wairau River is maintained under the water allocation regime which this application falls under.

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.

Section 7 – Community Wellbeing of the Regional Policy Statement includes the following objective and policies.

*Objective 7.1.9 – Provision for Activities - To enable present and future generations to provide for their wellbeing by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.*

*Objective 7.2.2 – Sustainable Management of Water - Enable the sustainable management of surface water and groundwater.*

*Policy 7.2.3 – Allocation of Water*

- (a) Establish mechanisms for the allocation of surface water and groundwater from the Wairau, Awatere, Clarence and Pelorus/Kaituna catchments.*
- (b) Include the following principles into water allocation mechanisms:*
  - sustainable management;*
  - equitable allocation;*
  - avoid, remedy or mitigate adverse effects;*
  - minimise conflicts between users; and*
  - ensure efficient and beneficial use.*

This application seeks to abstract and use water in manner consistent with these objectives and policies and the volumes sought for abstraction are in within the MDC guidelines / mechanisms for water allocation and will not result in the occurrence of adverse effects on the environment.

This proposal is consistent with these objectives and policies.

## 8.4 THE WAIRAU AWATERE RESOURCE MANAGEMENT PLAN

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The relevant sections of the Wairau Awatere Resource Management Plan (the Plan) include:

Specifically, Chapter 6 – Fresh Water, Volume 1 of the Plan, contains the following objectives and policies:

- |                          |  |
|--------------------------|--|
| <i>Objective 6.2.1.1</i> | <i>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.</i>  |
| <i>Policy 1.1</i>        | <i>To maintain surface water flows at levels which safeguard the life supporting capacity of the resource by setting and enforcing Sustainable Flow Regimes (SFRs) in terms of specified river flows.</i>  |
| <i>Policy 1.5</i>        | <i>To set the SFR for fresh surface waters to:</i> <ul style="list-style-type: none"><li>• <i>protect in-stream habitat and ecology.</i></li><li>• <i>improve fish passage and spawning grounds.</i></li><li>• <i>protect the natural character of freshwater resources.</i></li><li>• <i>maintain water quality.</i></li><li>• <i>protect cultural values.</i></li><li>• <i>provide for aquifer recharge.</i></li></ul> |

This application is within the SFR as set for the Wairau River. The SFR has been set to prevent adverse effects on the environment. Therefore the proposal is consistent with the above objective and supporting policies.

- |                          |  |
|--------------------------|--|
| <i>Objective 6.3.1.1</i> | <i>To achieve equitable allocation and use of surface water and groundwater resources.</i>   |
| <i>Policy 1.3</i>        | <i>To set water permit volumes, initially and at either review or renewal, on the basis of water allocation guidelines or actual use as indicated by water meter readings.</i> |

The volume of water applied for equates to application rates consistent with MDC's guidelines as contained in the Plan.

- |                          |   |
|--------------------------|---|
| <i>Objective 6.4.1.1</i> | <i>To establish an efficient resource use regime and support sustainable management of the freshwater resource.</i> |
|--------------------------|---|

- |                   |  |
|-------------------|--|
| <i>Policy 1.1</i> | <i>To enable more efficient use of fresh water resources through implementation of a triple class water permit system.</i>   |
| <i>Policy 1.2</i> | <i>To allocate water on the basis of guidelines.</i>   |
| <i>Policy 1.3</i> | <i>To encourage water storage in water short areas, for use during low flow and level periods, by exempting water retained in storage from any conditions on use, and when flows are high allowing water to be drawn off for storage purposes.</i> |

This application is entirely consistent with these objectives and policies as it is within the allocation that has been developed in order to provide for in-stream values of the Wairau River.

The volume of water abstraction applied for is consistent with the Council irrigation guidelines as contained in the Plan. The proposed abstraction can therefore be considered to be an equitable and efficient use of the water resource.

## 9 PROPOSED MONITORING

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The Fourth Schedule of the Act, requires that 'where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom'.

Monitoring of the abstraction and use of Wairau River Class B water will be carried out by the consent holder and will include compliance with any applicable resource consent conditions.

The applicant volunteers the following conditions of consent consistent with U061109.

- i. This consent shall expire on 1 May 2017.
- ii. The abstraction may be rationed if the flow in the Wairau River measured at the Council's Tua Marina recorder, is between 30 cubic metres per second and 8 cubic metres per second.
- iii. The abstraction must cease if the flow in the Wairau River at the Council's Tua Marina recorder is at or below 8 cubic metres per second.



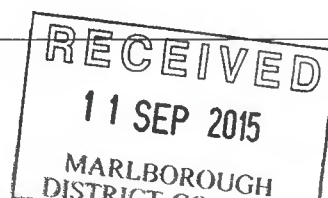
- iv. Prior to the abstraction of water authorized by this consent the consent holder shall install and verify a water meter on the intake and provide a copy of the meter verification report to Council.
- v. The consent holder shall maintain a meter at the intake to measure water abstraction that is able to provide data in a form suitable for electronic storage. The meter is to record all water taken pursuant to this consent with an accuracy of plus or minus 5%.
- vi. The meter shall at all times be maintained in a fully workable condition.
- vii. The consent holder shall install and maintain a data logger to record and store water abstraction data at daily intervals. Data recorded is to be provided to the Marlborough District Council by a telemetry system at daily intervals.
- viii. *The consent shall expire on the earlier of:*
  - a. *10 years from date of issue; or*
  - b. *The water permit held by the Wairau Valley Water Enhancement Company Limited U040224 is exercised and water subject to that consent is either physically available to be taken, or is capable of being made physically available to be taken, at the boundary of the property to which the consent applies; or*
  - c. *The water permit authorising abstraction for the purposes of electricity generation held by TrustPower Limited under U050729 is exercised and water subject to that consent is either physically available to be taken, or is capable of being made physically available to be taken, at the boundary of the property to which the consent applies.*

*Advice Note*

*The intended meaning of the words "physically available" used in condition 2 are that water will only need to be available in the canal in a physical sense for this part of the expiry condition to be satisfied. To be clear, the consent will expire even if:*

*The taking of water from the canal is not authorised on a legal sense; or*

*All of the necessary property rights (e.g. easements) are not in place to lawfully allow a physical connection from the canal to the property boundary".*





## 10 CONCLUSION

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Ian Alan Rogers & Alison Jane Parr seek resource consent to abstract and use Wairau River Class B water as follows:

- Water Permit – Take Surface Water:
  - *To abstract surface water via direct suction at up to 16 l/s and 1390 m<sup>3</sup>/day.*
- Water Permit – Use Surface Water:
  - *To use water for the irrigation of:*
    - *up to 21 ha of crop & pasture on Lot 3 DP 419657;*
    - *up to 10 ha of crop & pasture on Lot 1 DP 430777; and*
    - *up to 37 ha of crop & pasture on Lot 2 DP 430777.*

Water will be abstracted via direct suction with a telemetered water meter installed on the pump prior to the abstraction of irrigation water

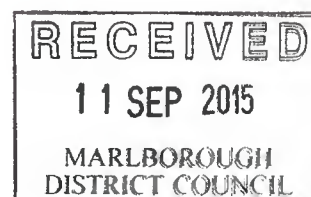
Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

The proposal is consistent with the relevant provisions of Part 2 of the Act, the National Policy Statement for Freshwater Management 2014, the Marlborough Regional Policy Statement and the Wairau Awatere Resource Management Plan.

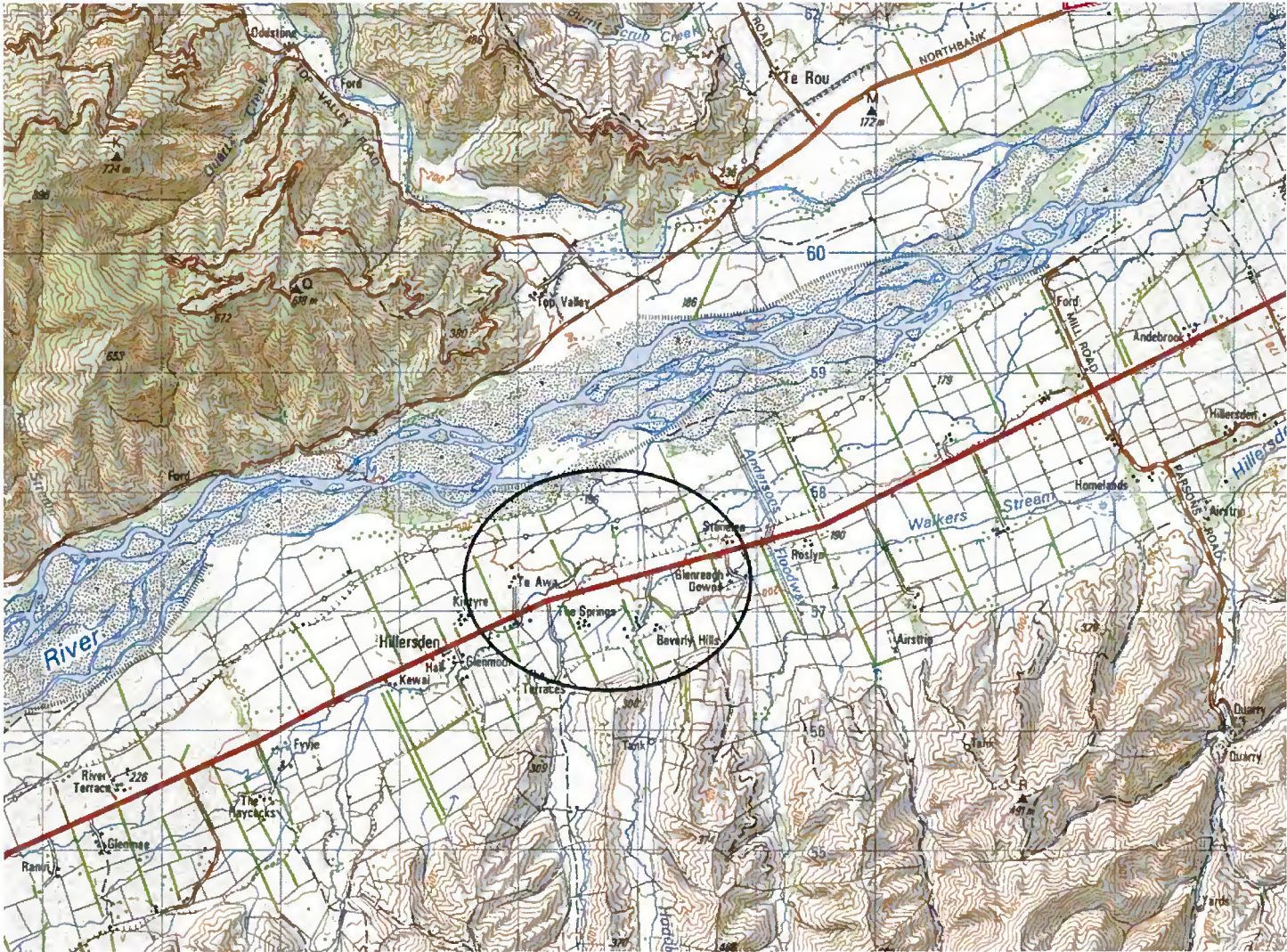
Accordingly resource consent should be granted to this proposal.

## APPENDIX 1 – LOCATION PLAN

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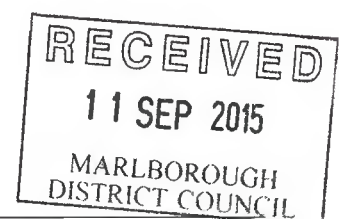
LOCATION PLAN



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MARLBOROUGH  
DISTRICT COUNCIL

## APPENDIX 2 - DETAILED SITE PLAN

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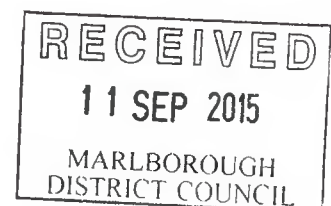
SITE PLAN



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DISTRICT COUNCIL

### APPENDIX 3 – TITLE DOCUMENTS

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# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir  
Registrar-General  
of Land

## Search Copy

**Identifier** 519510  
**Land Registration District** Marlborough  
**Date Issued** 24 November 2011

### Prior References

180159

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**Estate** Fee Simple  
**Area** 10.0448 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 430777

### Proprietors

Ian Alan Rogers and Eric Parr

---

### Interests

Subject to Section 206 Land Act 1924

Subject to a right to convey water over part marked I on DP 430777 created by Transfer 184755.3 - 16.4.1996 at 9:50 am

Appurtenant hereto is a right to convey water created by Transfer 184755.3 - 16.4.1996 at 9:50 am

Some of the easements created by Transfer 184755.3 are subject to Section 243 (a) Resource Management Act 1991 (See DP 9758)

202377.1 Gazette Notice 1996 page 4513 declaring State Highway 63 adjoining the within land to be a Limited Access Road - 8.2.1999 at 9.20 am

203404.3 Crossing Place notice under Section 91 Transit New Zealand Act 1989 - 18.3.1999 at 9.15 am

203404.4 Crossing Place notice under Section 91 Transit New Zealand Act 1989 - 18.3.1999 at 9.15 am

Subject to an electricity easement (in gross) over part marked J on DP 430777 in favour of Marlborough Lines Limited created by Transfer 6734611.4 - 31.1.2006 at 9:00 am

8854971.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 5.9.2011 at 7:00 am.

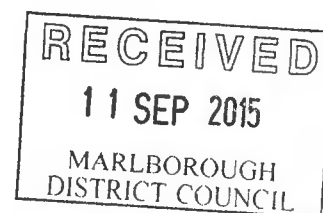
8920048.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.11.2011 at 4:49 pm

Land Covenant in Easement Instrument 8920048.5 - 24.11.2011 at 4:49 pm

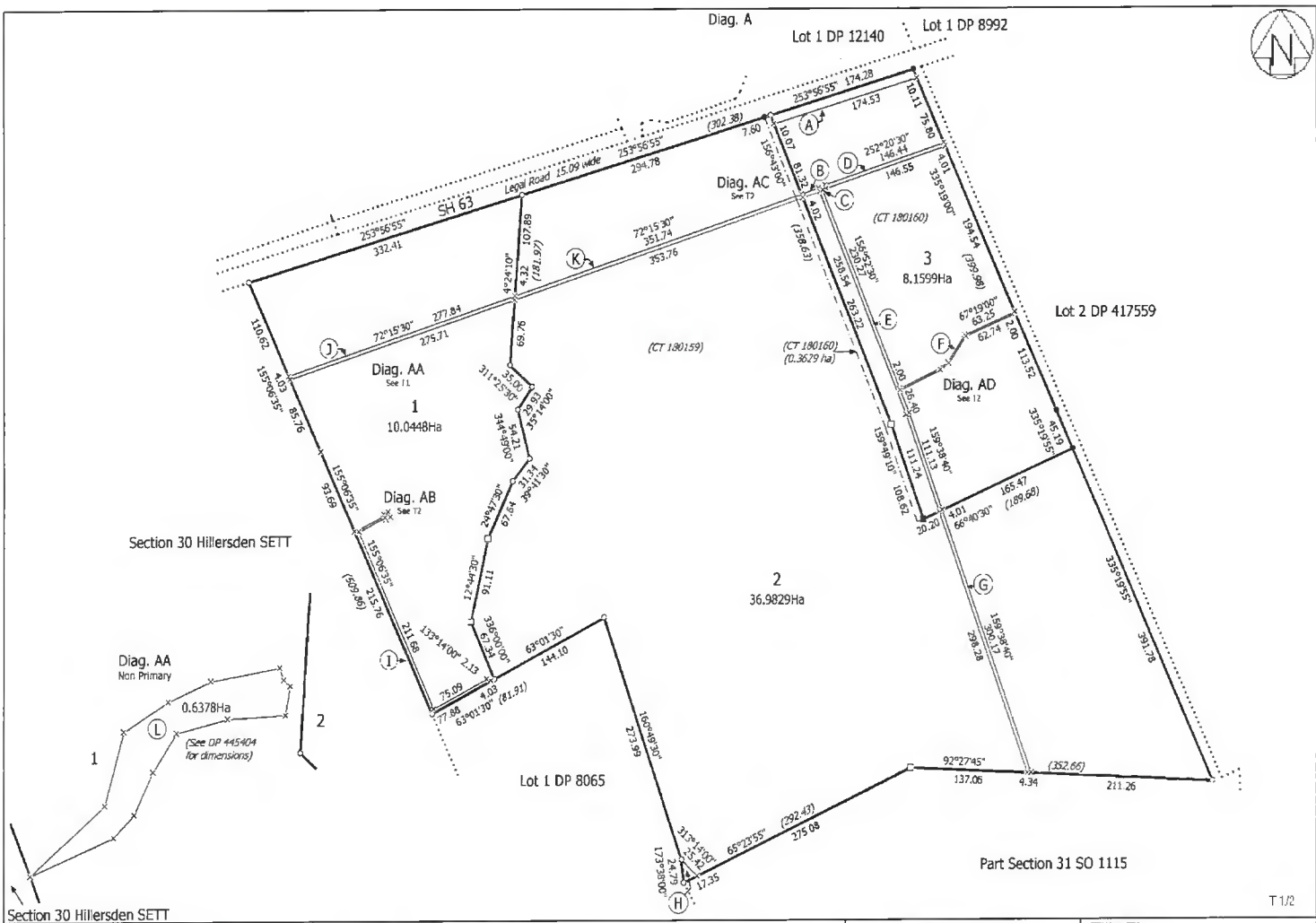
Land Covenant in Easement Instrument 8920048.6 - 24.11.2011 at 4:49 pm

Subject to a right (in gross) to convey electricity over part marked B on DP 470200 in favour of Marlborough Lines Limited created by Easement Instrument 9786000.5 - 17.6.2015 at 3:46 pm

9786000.6 Mortgage to Westpac New Zealand Limited - 17.6.2015 at 3:46 pm



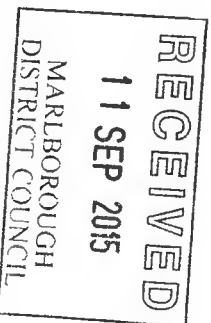




T 1/2

Section 30 Hillersden SETT Land District Marlborough	Lots 1 - 3 Being Subdivision of Lots 1 and 2 DP 343869	Surveyor Philip Dudley Norton Firm: Ensuv (Blenheim)	Title Plan DP 430777 Deposited on: 24/11/2011
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Generated on: 05/12/2011 11:23am Page 4 of 5







# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir  
Registrar-General  
of Land

## Search Copy

**Identifier** 519511  
**Land Registration District** Marlborough  
**Date Issued** 24 November 2011

### Prior References

180159 180160

---

**Estate** Fee Simple  
**Area** 36.9829 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 430777

### Proprietors

Ian Alan Rogers and Eric Parr

---

### Interests

Subject to Section 206 Land Act 1924

Subject to a right to convey water over parts marked H and G and a right to convey electricity over part marked G all on DP 430777 created by Transfer 184755.3 - 16.4.1996 at 9:50 am

Appurtenant hereto is a right to convey water created by Transfer 184755.3 - 16.4.1996 at 9:50 am

Some of the easements created by Transfer 184755.3 are subject to Section 243 (a) Resource Management Act 1991 (See DP 9758)

202377.1 Gazette Notice 1996 page 4513 declaring State Highway 63 adjoining the within land to be a Limited Access Road - 8.2.1999 at 9:20 am

203404.3 Crossing Place notice under Section 91 Transit New Zealand Act 1989 - 18.3.1999 at 9:15 am

203404.4 Crossing Place notice under Section 91 Transit New Zealand Act 1989 - 18.3.1999 at 9:15 am

Subject to an electricity easement (in gross) over part marked K on DP 430777 in favour of Marlborough Lines Limited created by Transfer 6734611.4 - 31.1.2006 at 9:00 am

8920048.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.11.2011 at 4:49 pm

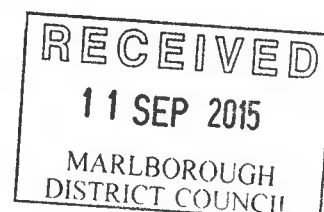
Appurtenant hereto is a right of way and a right to convey water and electricity created by Easement Instrument 8920048.4 - 24.11.2011 at 4:49 pm

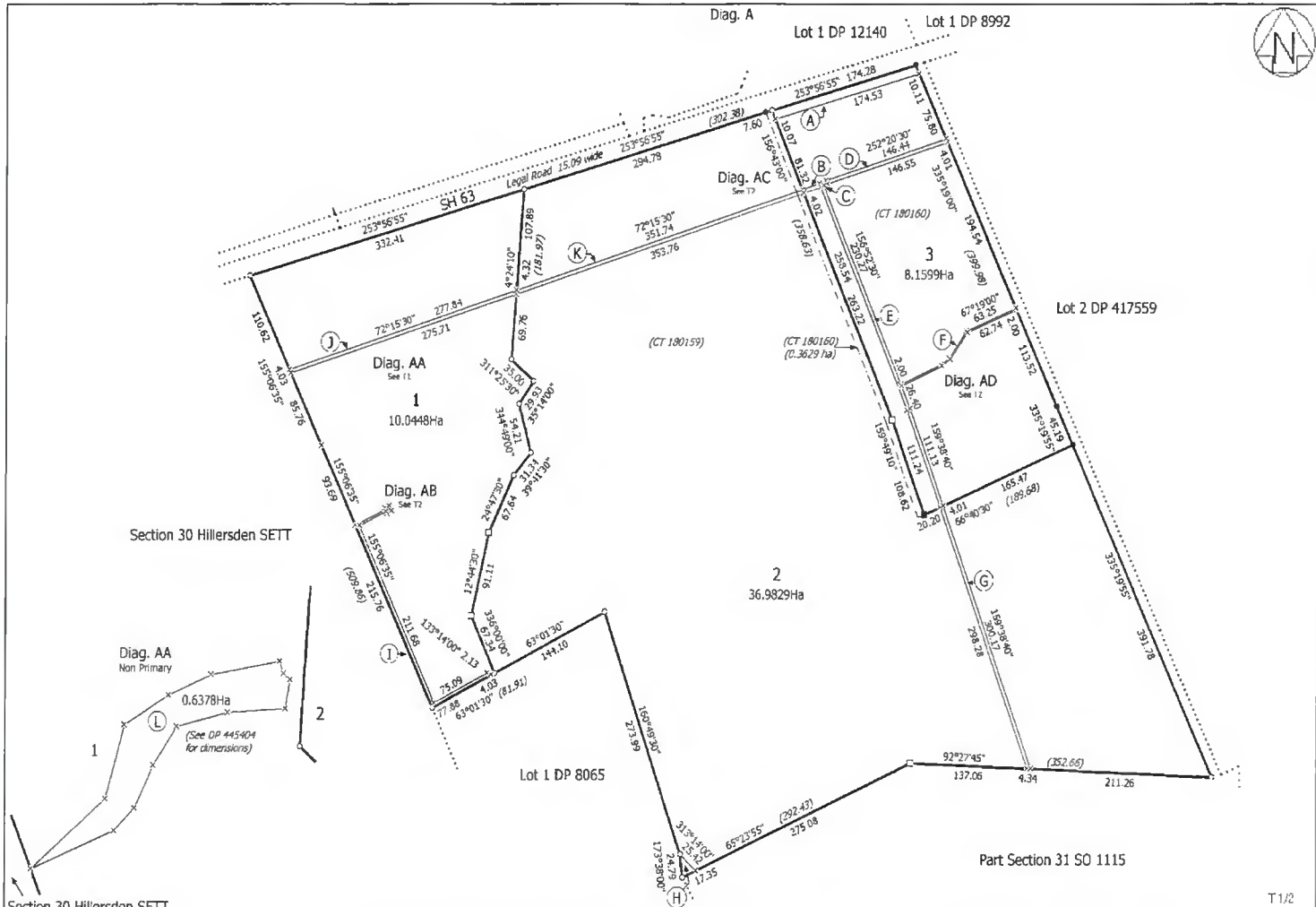
The easements created by Easement Instrument 8920048.4 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 8920048.5 - 24.11.2011 at 4:49 pm

Land Covenant in Easement Instrument 8920048.6 - 24.11.2011 at 4:49 pm

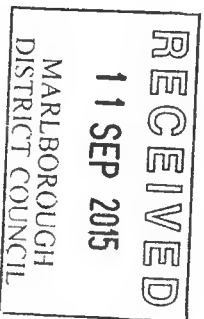
9786000.7 Mortgage to Westpac New Zealand Limited - 17.6.2015 at 3:46 pm





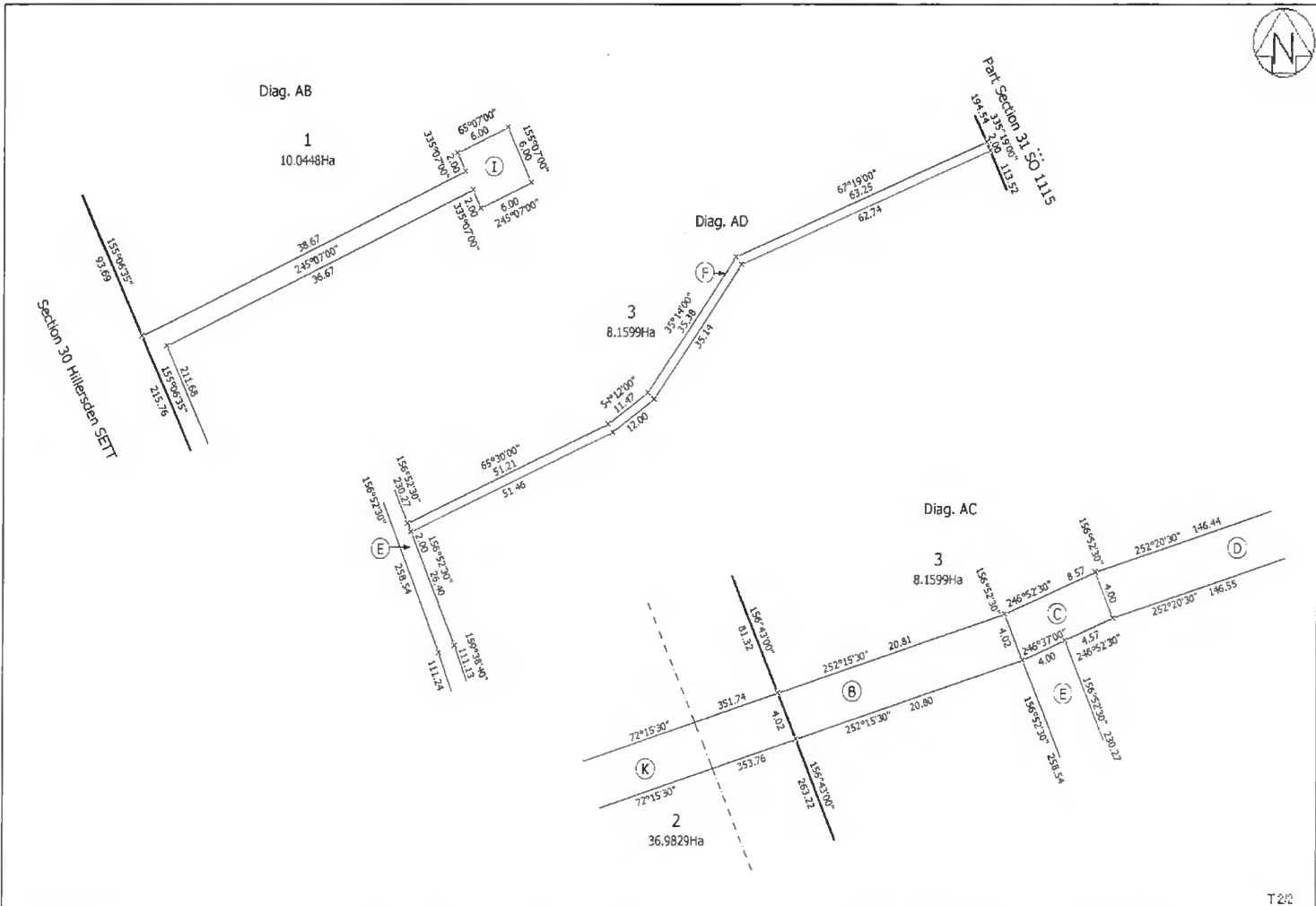
T 1/2

Section 30 Hillersden SETT Land District: Marlborough	Lots 1 - 3 Being Subdivision of Lots 1 and 2 DP 343869	Surveyor Philip Dudley Norton Firm: Ensuvu (Blenheim)	Title Plan DP 430777
Digitally Generated Plan Generated on: 05/12/2011 11:23am Page 4 of 5			Deposited on: 24/11/2011



Identifier

519511



T2/2

Land District: Marlborough	Lots 1 - 3 Being Subdivision of Lots 1 and 2 DP 343869	Surveyor: Philip Dudley Norton Firm: Ensuv (Blenheim)	Title Plan DP 430777 Deposited on: 24/11/2011
Digitally Generated Plan Generated on: 05/12/2011 11:28am Page 5 of 5			

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**DISTRICT COUNCIL**



# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R.W. Muir  
Registrar-General  
of Land

## Search Copy

**Identifier** 474851  
**Land Registration District** Marlborough  
**Date Issued** 16 October 2009

### Prior References

MB5D/1325

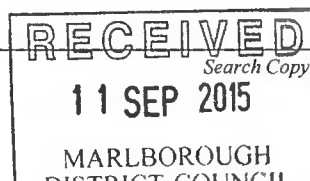
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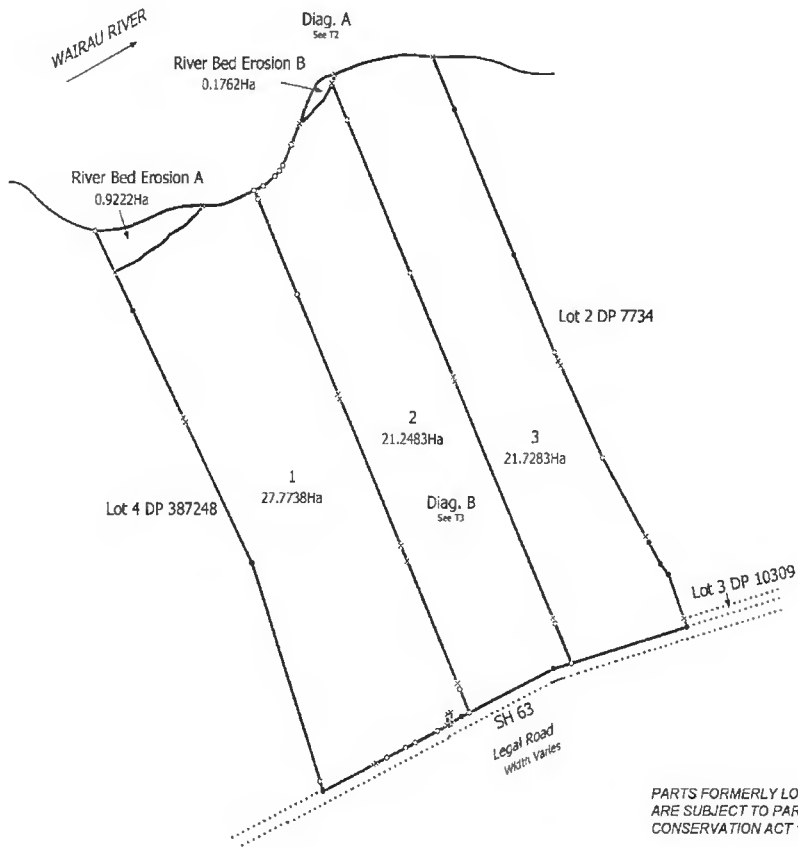
**Estate** Fee Simple  
**Area** 21.7283 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 419657  
**Proprietors**  
Alison Jane Parr and Ian Alan Rogers

---

### Interests

Subject to Section 3 Petroleum Act 1937 (affects Lot 1 DP 10618).  
Subject to Section 8 Atomic Energy Act 1945 (affects Lot 1 DP 10618).  
Subject to Section 3 Geothermal Energy Act 1953 (affects Lot 1 DP 10618).  
Subject to Section 6 and 8 Mining Act 1971 (affects Lot 1 DP 10618).  
Subject to Section 59 Land Act 1948 (affects Lot 1 DP 7734)  
Subject to Section 5 Coal Mines Act 1979 (affects Lot 1 DP 10618).  
Subject to Part IV A Conservation Act 1987 (affects Lot 1 DP 10618).  
Subject to Section 261 Coal Mines Act 1979 (affects Lot 1 DP 10618).  
202377.1 Gazette Notice 1996 page 4513 declaring State Highway 63 adjoining the within land to be a Limited Access Road - 8.2.1999 at 9.20 am  
203410.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 18.3.1999 at 9.15 am  
8315081.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.10.2009 at 9:01 am  
Subject to a right (in gross) to convey electricity and telecommunications over part marked F on DP 419657 in favour of Transpower New Zealand Limited created by Easement Instrument 8315081.5 - 16.10.2009 at 9:01 am  
Some of the easements created by Easement Instrument 8315081.5 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right of way over part marked H on DP 419657 created by Easement Instrument 8315081.6 - 16.10.2009 at 9:01 am  
The easements created by Easement Instrument 8315081.6 are subject to Section 243 (a) Resource Management Act 1991  
Appurtenant hereto is a right of way created by Easement Instrument 8315081.7 - 16.10.2009 at 9:01 am  
The easements created by Easement Instrument 8315081.7 are subject to Section 243 (a) Resource Management Act 1991  
8414767.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 12.2.2010 at 9:00 am  
Subject to a right of way over part marked H on DP 419657 created by Easement Instrument 8482711.2 - 3.5.2010 at 12:28 pm





Land District: Marlborough

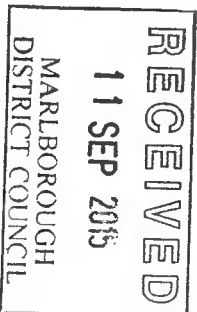
Lots 1- 3 being a subdivision of Lot 1 DP 7734 and Lots 1-3 DP 10618

Surveyor: Vicki Alma Nelder  
Firm: Aurecon (Blenheim)

Digital Title Plan  
DP 419657

Deposited on: 16/10/2009

Digitally Generated Plan  
Generated on: 23/10/2009 10:35am Page: 4 of 9



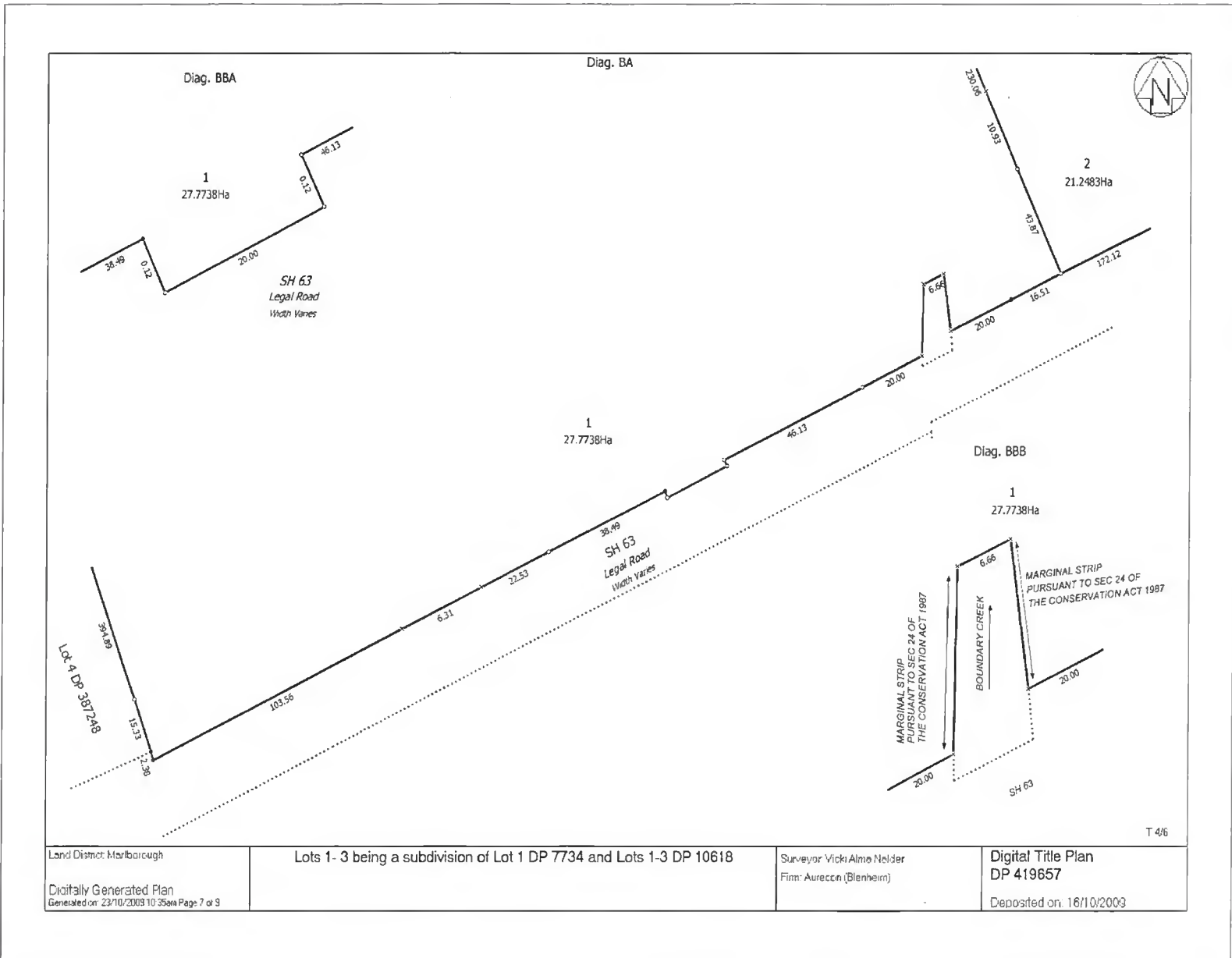






Identifier

474851



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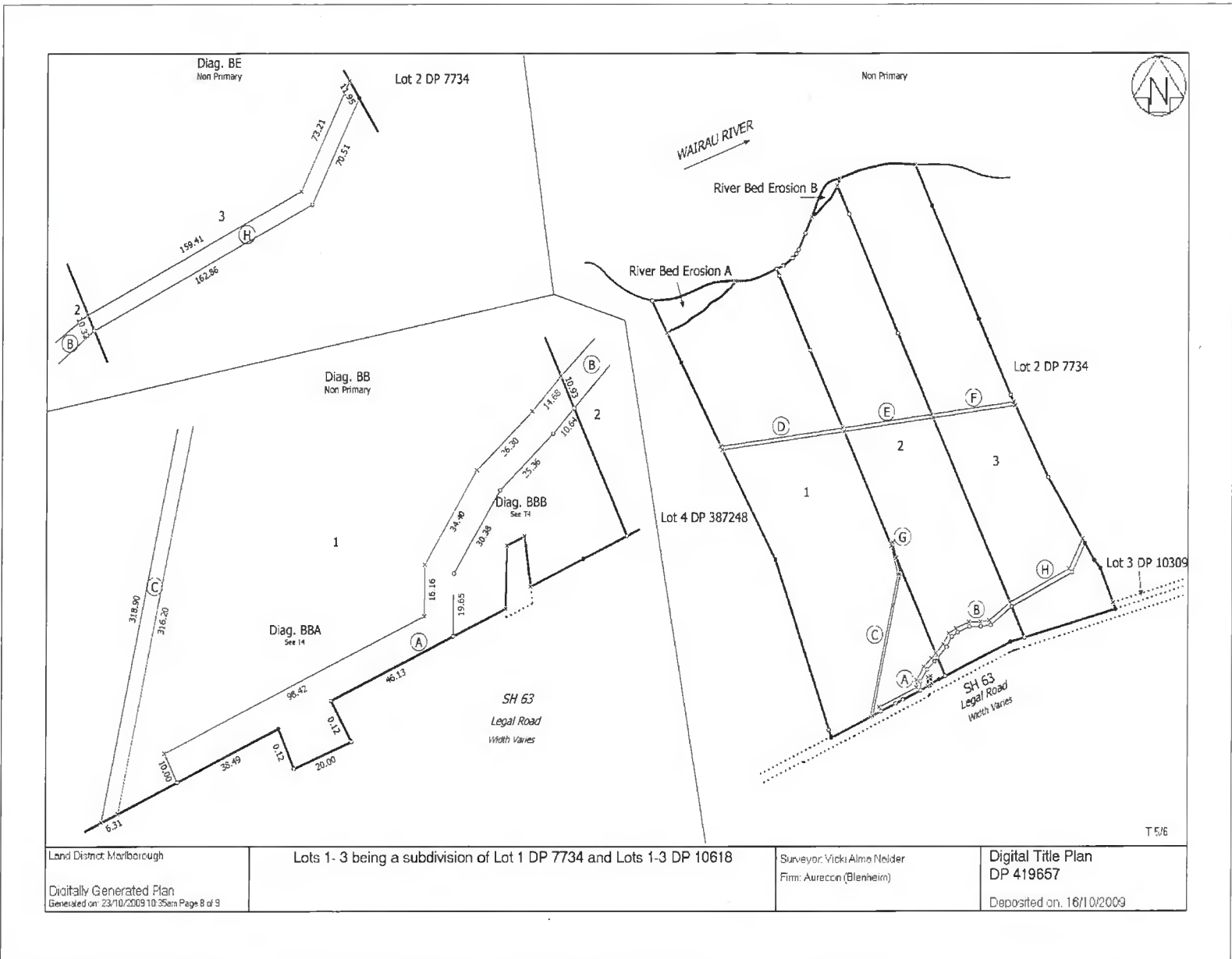
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DISTRICT COUNCIL

Transaction Id  
Client Reference 33605.011

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Identifier

474851



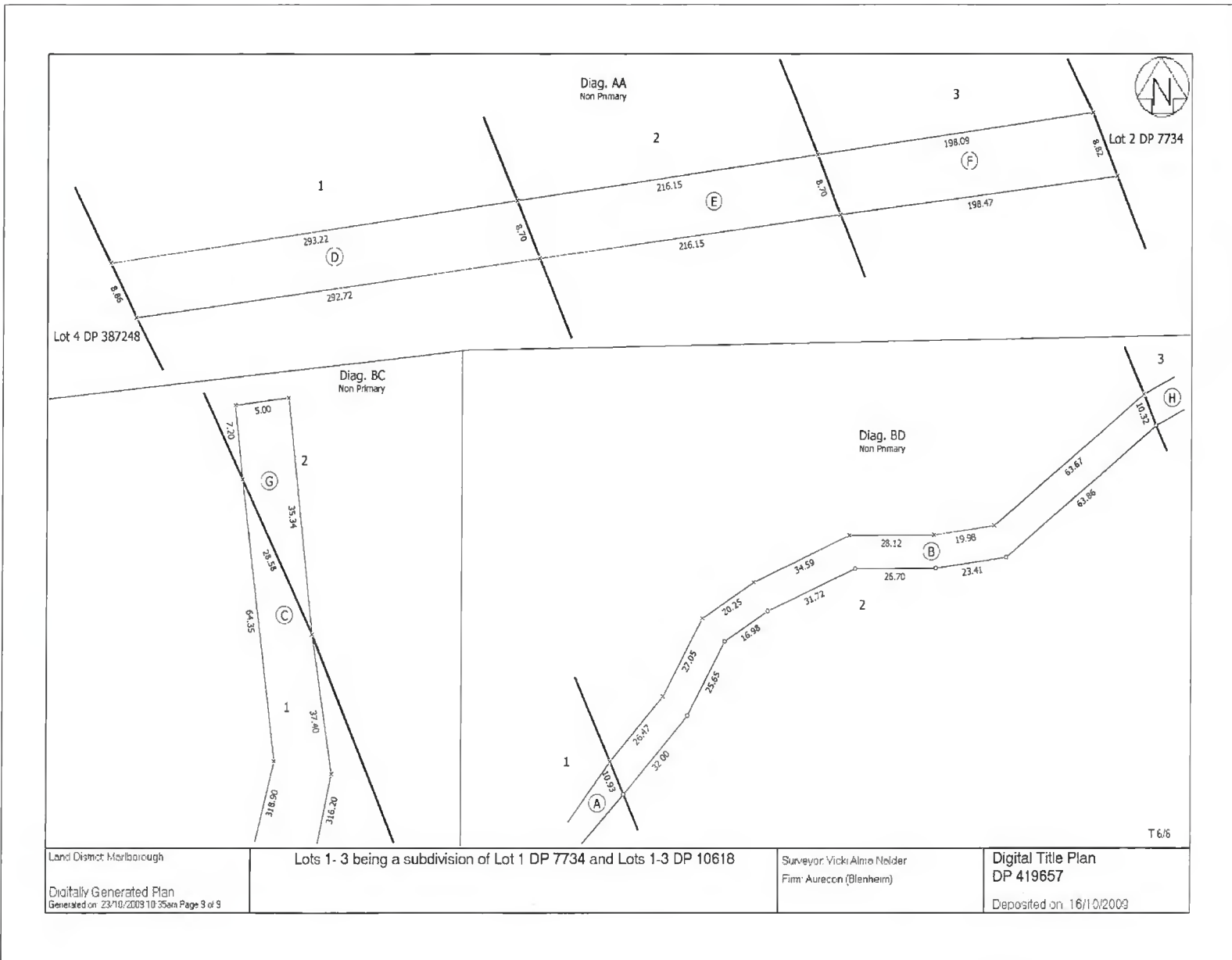
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Client Reference 33605.011

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Transaction Id  
Client Reference 33605.011

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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)*





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

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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)*

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#### 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](mailto: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.