

RESOURCE CONSENT APPLICATION

U160649

Christopher John & Marilyn Gale Hagen and Kenneth Neil Duffell as Trustees of the Hagen Family Trust

Hawkesbury Road, Renwick

Submissions Close 5.00 pm Monday 25 July 2016

Bea Gregory-5252

From: Steve Wilkes <steve@wilkesrm.co.nz>
Sent: Tuesday, 7 June 2016 11:07 a.m.

To: RCInbox

Subject: Hagen Family Trust

Attachments: Appendix 1 - Location Plan.jpg; Appendix 2 - Site Plan.jpg; Appendix 3 - Lot 1 DP

6094.pdf; Application AEE.pdf; RAF0002ApplicationforResourceConsent.pdf; Water

Permit Additional Form - final.pdf

Greetings

Please find attached application for resource consent on behalf of the Hagen Family Trust.

Deposit fees paid by the applicant.

Regards

Steve Wilkes

t +64 3 5772162 m +64 21 668 477 Temple Chambers, 76 High Street, Blenheim 7201, New Zealand

steve@wilkesrm.co.nz
www.wilkesrm.co.nz



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 to cover several aspects of the activity on this form.

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

(including post code) 61 Hawkesbury Road

Email Address: cjhagenltd@xtra.co.nz

Mailing Address: CJ Hagen

Phone: (Daytime) 572 8964

Name: (full legal name)

2. Α

MARLBOROUGH
DISTRICT COUNCIL

nt Act 1991	For Office Use ISO 9001:2008 Document Number:
plete this form thoroughly and provide all details al. Feel free to discuss any aspect of your proposal, the reference the application process with Council staff, who are here necked before formal acceptance. If further information tified accordingly. When this information is supplied, the received and processed further. The process of the cover several aspects that is needed to cover several aspects.	RAF0002-CI1579 Lodgement Fee Paid \$ Receipt No. Consent No. Case Officer: Date Received:
cails (If a trust, list full names of all trustees.) Christopher John & Marilyn Gale Hagen & Kenneth Ne Trust	il Duffell as Trustees of the Hagen Family
CJ Hagen 61 Hawkesbury Road PO Box 43, Blenheim	
cjhagenltd@xtra.co.nz	

Phone: (Mobile)

Agent Details (If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)							
Name:	Steve Wilkes						
	WilkesRM Ltd Temple Chambers 76 High Street						
Email Address:	steve@wilkesrm.co.nz						
Phone: (Daytime)	03 5772162	Phone: (Mobile) 021 68477					

3.	Type of Resource	Consent Applied For			
	□ Coastal Permit	☐ Discharge Permit	☐ Land Use	☐ Subdivision	✓ Water Permit
4.	Brief Description	of the Activity			
	Abstract & Use Omaka	aquifer water as previously	consented as per U	061154.	
5.	Supplementary Inf	ormation Provided?	✓ Y	es 🗌 No	
		tary forms for some activities ssist applicants with providin	_	•	stic wastewater,
6.	Property Details				
	The location to which the	ne application relates is (add	ress): Hawkesburg	y Road	
	Legal description (i.e. L	ot 1 DP 1234): Lot 1 DP 6	6094		
	readily identified, e.g. h or other water body to v Number, Property Num	locality and activity points. It ouse number and street add which application may relate, ber.) of the Certificate of Title the	lress, Grid Referenc proximity to any we	e, the name of any rel ell known landmark, Dl	evant stream, river, P number, Valuation
	The names and addres the owner and occupied land (other than the app	r of the			

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.

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 Pla Act or regulations. Yes No					
9.	Fees					
	 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:					
10	. Declaration					
	I (please print name) S M Wilkes					
	confirm that the information provided in this application and the attachments to it are accurate.					
Signature of applicant or authorised agent:						
	Date: 7 June 2017					
	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.

Telephone: (03) 520 7400

Website: www.marlborough.govt.nz

Email: mdc@marlborough.govt.nz

Reset Form



Applicants Name: Hagen Family Trust



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:	G	E	N	Ε	R	Α	L	:
----------	---	---	---	---	---	---	---	---

1.	Type of permit required:							
	Take surface water	Dam water						
	Take underground water X	Divert water						
2.	Do you currently hold a water permit that is due to ex	pire? <i>Yes</i>						
	If yes, please state the water permit number:	061154						
3.	Purpose for which water is required?							
	domestic & vineyard irrigation(Industrial, crop irrigation, etc)							
4.	Source of water: Omaka River Valley Aquifer							
5.	Maximum quantity of take2.6litres per se	econd						
	219cubic metres p	er day						
	cubic metres p	oer week						
GRO	UNDWATER:							
1.	Well number (if existing well)							
2.	Depth from ground level to bottom of well7metres							
3.	Diameter of wellmillimetres							
4.	Has a pump test or well interference test been carried out on the well?							
	If yes, please attach results.							

1.	Abstraction method:
	(e.g. intake gallery, suction hose, diversion channel, etc.)
2.	Number of pumps to be used?
3.	Rate of flow for pumplitres per second.
4.	Delivery pipe diametermillimetres
DAM	MING OR DIVERTING WATER:
DAM 1.	MING OR DIVERTING WATER: Please advise reason and purpose
	Please advise reason and purpose

SURFACE WATER:

CONSUMPTION SCHEDULE

	CROP A CROP B CROP C				OP C			тот	ALS							
CROP TYPE e.g. corn, olives, etc	Vineyards															
AREA Number of hectares	11.3															
APPLICATION RATE (m³ / ha / day)	Up to 22															
QUANTITY Cubic metres per day	219															
IRRIGATION	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr
PERIOD Circle months	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug
which apply	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec
METHOD Trickle, spray, etc		Tric	ckle													



Hagen Family Trust

Application for Resource Consent

Take & Use Omaka River
 Valley Aquifer

Final

2016

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1 Introduction

The applicants are Christopher John & Marilyn Gale Hagen and Kenneth Neil U061154.Duffell as trustees of the Hagen Family Trust.

The applicants own land at 61 Hawkesbury Road being Lot 1 DP 6094.

The property features a developed vineyard irrigated as per a component share of resource consent U061154. That resource consent provided for the abstraction of 219 m³/day for the irrigation of 11.3 hectares of vineyard.

This irrigation water was abstracted via bore P28w/1128 located on Lot 3 DP 6094. It is noteworthy that P28w/1128 is also utilised to abstract up to 153 m³/day of ground water for a neighbouring property and associated resource consent U061299. That water permit held by Erina Downs Marlborough Ltd (Erina) is a subject of a separate resource consent application. There is a single mainline from the bore that serves both properties however separate metering will occur as detailed below.

Resource consent U061154 is due to expire 1 March 2017 so the applicants are seeking the re-allocation of the irrigation water.

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 Ground Water; and
- Water Permit Use Ground Water.

Attached to this application are the following:

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

2 The Proposal

The Hagen Family Trust seek resource consent for the following specific activities:

- Water Permit Take Underground Water
 - To abstract up to 219 m³/day of underground water from bore P28w/1128
 on Lot 3 DP 6094.
- Water Permit Use Underground Water
 - To use underground water to irrigate up to 11.3 hectares of vineyards on Lot 1 DP 6094.

Water meters & datalogger will be installed as per the requirements of the Resource Management and Reporting of Water Takes Regulations 2010 as shown on the attached site Plan and in a manner to clearly allow for the differentiation between water abstracted as per this proposal and that abstracted by Erina.

In short this is achieved by:

- 1. A meter (meter 1) is installed at the well head of bore P28w/1128.
- 2. That meter will measure all water abstracted from the bore.
- 3. A second meter (meter 2) is installed on the boundary between the Erina property and the applicants property as per the attached site Plan.
- 4. All water meters will be fitted with telemetry providing instantaneous data to Council for compliance purposes.
- 5. When meter 1 shows water in excess of the 153 m³/day is being abstracted then water is being utilised by both the applicant and Erina and meter 2 will show the volume that the applicants are using.

Immediately following the grant of this application, the applicant's component of U061154 will be surrendered.

3 The Existing Environment

The property located south of Renwick off Hawkesbury Road and features a developed vineyard.

Bore P28w/1128 is located adjacent to the Omaka River and has been drilled to a depth of 7 metres.

As per the MDC well location map the nearest neighbouring bore on the north side of the Omaka River is located some 160 m distant from P28w/1128 being bore P28w/2647. On the south bank of the Omaka River bore P28w/1728 is located 75 m distant and 40 metres downstream.

4 Statutory Framework

4.1 The Resource Management Act 1991

Section 9 of the RMA states that no person may use land in a manner that contravenes a regional rule unless the use is expressly allowed by a resource consent.

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

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

General Rule 27.1.2.3 of the Plan provides for the abstraction of between 10 and 500 m³/day/site from the Omaka Aquifer as a discretionary activity.

There are no rules for the use of water in the Plan for irrigation purposes, therefore the activity is considered in-nominate under the RMA, and is considered a discretionary activity.

5 Consultation and Notification

No consultation has been undertaken as it is understood that MDC is likely to publicly notify this application.

6 Statutory Acknowledgements

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

The applicant will be advised by MDC as to further consultation with iwi.

7 Assessment of Effects

7.1 The Proposed Abstraction of Water

7.1.1 Effects on the Water Resource

The continued abstraction of water is not anticipated to result in adverse effects on the environment for the following reasons:

- There is no history of existing adverse effects resulting from the exercise of U061154;
- No additional quantity of water is being applied for from that authorised under the applicant's current water permits;
- There is no known interference effects resulting from the use of the existing water permits.

In addition the proposal is consistent with the water allocation regime contained within the Wairau Awatere Resource Management Plan.

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 Omaka River is safeguarded.

7.1.2 Water Use

The amount of water sought is within with Council's irrigation application rate guidelines. These application rates represent an efficient use of the water resource.

Irrigation is only undertaken when required. Any irrigation undertaken is done so due to a need and to maximise the efficiency of the irrigation and the financial cost of doing so.

7.1.3 Any Other Potential Effect

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.

The proposal seeks the re-consenting of existing activities. To the applicants knowledge there has been no adverse cultural effects resulting from the exercise of the pre-existing resource consents.

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

There are no other potential effects anticipated.

8 Summary of Mitigation Measures

The mitigation measures in relation to this application to ensure the environmental effects are not more than minor, as discussed above, are summarised as follows:

- Water will continue to be abstracted and used only as required;
- Compliance with all condition of consent will occur; and
- Water use will be monitored via dataloggers and telemetry.

9 Other Matters

9.1 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.

9.1.1 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 environment will not be impacted upon by the proposal.

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 known 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 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.

9.1.2 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.

9.1.3 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 considered that the proposal will meet the purpose and principles of the Act.

9.1.4 Section 104(2A)

Section 104(2A) of the RMA requires that a Consent Authority, when considering an application affected by Section 124¹, must have regard to the value of investment of the existing Consent Holder.

The applicants have invested in excess of \$1,000,000 dollars for the development of irrigation infrastructure, assets and systems, and establishing vineyards.

9

¹ Section 124 of the RMA relates to applications for resource consent that seek the 're-issue' or 'renewel' of an existing resource consent that is due to expire.

9.2 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.

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 Omaka River has a formal allocation regime. As this is to replace an existing consent, seeking a volume of water already allocated, this proposal is consistent with the Plans requirements. Consequently the proposal is considered consistent with the NPSFW.

The applicants seek to occupy and maintain an existing intake structure in a sustainable way and seek to avoid, remedy or mitigate any adverse effects.

9.3 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.

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

9.4 The Wairau Awatere Resource Management Plan

9.4.1 The Water Permits

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

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

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 6.3.1.1 - To achieve equitable allocation and use of surface water and groundwater resources.

Policy 1.3 - 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.

Objective 6.4.1.1 - To establish an efficient resource use regime and support sustainable management of the freshwater resource.

Policy 1.1 - To enable more efficient use of fresh water resources through implementation of a triple class water permit system.

Policy 1.2 - To allocate water on the basis of guidelines.

This application is entirely consistent with these objectives and policies as it is within the water allocation framework that has been developed in order to provide for the sustainable abstraction of water from this resource.

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.

10 Proposed Monitoring

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 will be carried out by the consent holder including compliance meeting any applicable resource consent conditions.

11 Conclusion

The Hagen Family Trust seek resource consent for the following specific activities:

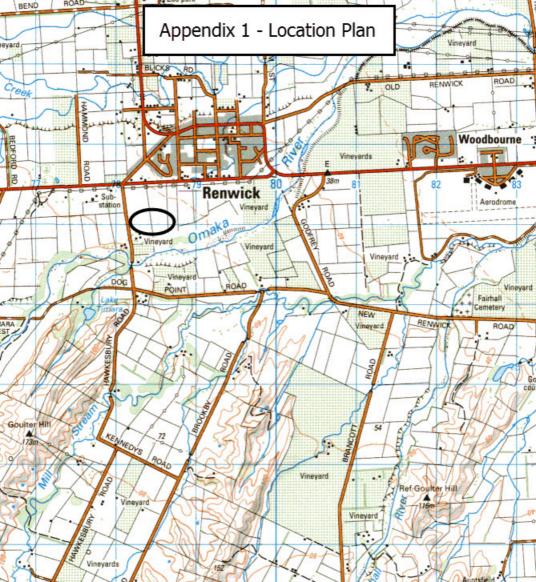
- Water Permit Take Underground Water
 - To abstract up to 219 m³/day of underground water from bore P28w/1128
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 - To use underground water to irrigate up to 11.3 hectares of vineyards on Lot
 1 DP 6094.

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



Appendix 2 – Detailed Site Plan



Appendix 3 – Title Documents



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier MB3E/465
Land Registration District Marlborough
Date Issued 12 April 1983

Prior References

MB3D/278

Estate Fee Simple

Area 11.3670 hectares more or less **Legal Description** Lot 1 Deposited Plan 6094

Proprietors

Christopher John Hagen, Marilyn Gale Hagen and Kenneth Neil Duffell

Interests

113246 Easement Certificate specifying the following easements - 12.4.1983 at 9.32 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 2 Deposited Plan	A DP 6094	Lot 1 Deposited Plan	
	6094 - CT MB3E/466		6094 - herein	
Convey water	Lot 3 Deposited Plan	B DP 6094	Lot 1 Deposited Plan	
•	6094 - CT MB3E/467		6094 - herein	

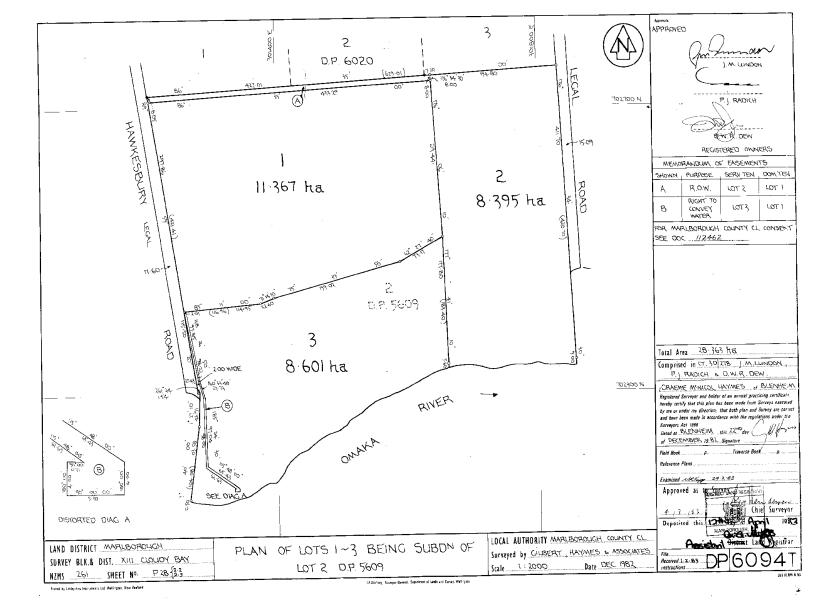
The easements specified in Easement Certificate 113246 are subject to Section 309(1)(a) Local Government Act 1974

5235548.4 Mortgage to The National Bank of New Zealand Limited - 30.5.2002 at 9:00 am

Subject to a right (in gross) to convey electricity over part $\,$ marked A on DP 364851 in favour of Marlborough Lines Limited created by Transfer 6924423.1 - 28.6.2006 at 9:00 am

Transaction Id

Identifier



To: Marlborough District Council PO Box 443 Blenheim 7240



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)	
/we support all or part of the application	
/we oppose all or part of the application	
/we are neutral to all or part of the application	
The specific parts of the application that my/our s pages if required)	ubmission relates to are (give details, using additional



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. (<i>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.</i>)		
5.	Signature	
C:	_	Data
Signa		Date
Signature Da		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.		

 $O: Templates forms \\ Reg Quality Systems \\ I Resource Mgmt Control Chapter (R) \\ AF Application Forms \\ RAF0010-C11220-Submission on Application for Resource Consent-1. doc$