



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U160654

**Timothy James Herd
and Yvette Jane
Hagen**

43 Hawkesbury Road, Renwick

Submissions Close

5.00 pm Tuesday 26 July 2016

Bea Gregory-5252

From: MDC
Sent: Friday, 3 June 2016 1:17 p.m.
To: RCInbox
Subject: Application for Resource Consent: REF160601420
Attachments: REF160601420.pdf

A application for a Resource Consent has been received. Application lodgement number is REF160601420.

Submission details are attached.



**MARLBOROUGH
DISTRICT COUNCIL**

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GST No. 50-430-960



Reference Number:	REF160601420
Submitted On:	03/06/2016 13:17
Submitted By:	WilkesRM Ltd

Important Information

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

Please provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal or the application process with Council's duty planner, who is here to help. Duty planner hours are 9.00 am to 3.00 pm Monday to Friday.

This application will be checked before formal acceptance. If the application is incomplete, we are unable to accept it for processing and it will be returned to you.

If this activity requires more than one consent type, (eg both land use and discharge) you may apply for all within this application.

Applicant Details

Select as many as are applicable

Is the applicant	• An individual
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First name	Yvette
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Last name	Hagen
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First name	Timothy
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Last name	Herd
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Is the applicant

Is the applicant

Main applicant name	Hagen
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Main applicant mailing address	43 Hawkesbury Road, Hawkesbury 7272
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Main applicant email address	muscat1873@gmail.com
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Main contact number	5728964
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Alternative contact number	Not answered
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Is there an agent working on behalf of the applicant?	Yes
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All communication regarding the application will be sent to the agent

Are you a business or an individual?	Business
--------------------------------------	----------

Company name	WilkesRM Ltd
--------------	--------------

Contact person	Steve Wilkes
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Mailing address	76 High Street, Blenheim 7201
-----------------	-------------------------------

Email address	steve@wilkesrm.co.nz
---------------	----------------------

Main contact number	03 5772162
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Alternative contact number	Not answered
Agent reference	Not answered

Application Details

Types of resource consent applied for	<ul style="list-style-type: none"> • Land Use • Water Permit
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Property Details

The location to which the application relates is	Lot 2 DP 6020 43 Hawkesbury Rd
Brief description of the activity	Drill a replacement bore and abstract groundwater for domestic & vineyard use.

Assessment of Effects on the Environment (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 now also have to include consideration of the provisions of the Resource Management Act 1991 and other relevant planning documents)

Please upload Assessment of Effects on the Environment	<ul style="list-style-type: none"> • Application AEE.pdf(393180 bytes)
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Plans

Please upload plans (e.g. site plan, elevation plans, scheme plan etc) of the locality and activity points. Describe the location in a manner that 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 the application may relate, proximity to any well known landmark, DP number, valuation number, property number

Site/location plan	<ul style="list-style-type: none"> • Appendix 1 -Location Plan.jpg(487131 bytes) • Appendix 2 - Site Plan.jpg(156963 bytes)
Scheme plan	No files uploaded
Forest harvest plan	No files uploaded
Building plans	No files uploaded
Dam design drawings	No files uploaded

Certificate of Title

Certificate(s) of Title and legal documents	<ul style="list-style-type: none"> • Appendix 3 - MB3E.175.pdf(229515 bytes)
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Supplementary Forms

Please indicate which supplementary forms you are adding	<ul style="list-style-type: none"> • Installation/altering a bore • Water permits
What is the purpose of the bore?	For irrigation for Water Permit
What is the Water Permit U Number?	U061154
Depth of the Bore	Not answered
Diameter of the bore	Not answered
How far away is the nearest bore located	Not answered
Street address or legal description the nearest bore is located on.	Not answered
Name of Well/bore driller	Butt Drilling
Address	Not answered
Contact Number	Not answered
Email address	Not answered
Site address or description	43 Hawkesbury Road

Type of permit required	• Take underground water
Do you currently hold a water permit that is due to expire?	Yes
What is the water permit number?	U061154
Purpose for which water is required?	domestic & irrigation
Source of water	Omaka River aquifer
Maximum quantity of take	
Litres per second	2
Cubic metres per day	162.7
Cubic metres per week	Not answered
Groundwater	
Is the well existing?	No

Water use purpose

Use Type	Irrigation
Crop type	vineyards
Area	8.4
Application Rate	22
Quantity	162.7
Irrigation Period	<ul style="list-style-type: none"> • Jan • Feb • Mar • Apr • Sep • Oct • Nov • Dec
Method	Trickle
Use Type	Stock/domestic
Quantity	10
Irrigation Period	<ul style="list-style-type: none"> • Jan • Feb • Mar • Apr • May • Jun • Jul • Aug • Sep • Oct • Nov • Dec
Method	tap

Technical Reports

Do you wish to upload any technical reports to be included in the application by the relevant Resource Management Plan, Act or regulations?	No
Benthic report	No files uploaded
Cultural effects assessment	No files uploaded

Dam construction report	No files uploaded
DSI	No files uploaded
Ecology report	No files uploaded
Economic report(s)	No files uploaded
Engineering report	No files uploaded
Erosion and sediment management plan	No files uploaded
Geotechnical report	No files uploaded
Landscape report	No files uploaded
PSI	No files uploaded
RAP	No files uploaded
Wastewater report	No files uploaded
Any other report not covered in the list above	No files uploaded

Written Approvals

Please provide the names and addresses of the owner and occupier of the land (other than the applicant) Not answered

Please attach any written approval(s) that may have been obtained from affected parties/adjoining property owners and occupiers No files uploaded

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 why you have not below

Brief reason for not consulting with neighbours Not answered

Other Details

Are additional resource consents required in relation to this proposal? No

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 record applicant name and either property number or consent type as a reference.

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). 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.

Do you require a GST receipt for a bank payment?	Yes
Please make invoice out to	Applicant
The application lodgement fee	Will be paid by applicant
Notes	Not answered
I confirm that the information provided in this application and the attachments are accurate	Yes
Authorised by (your full name)	S M Wilkes

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 made corrections to your details, please contact Council.



Yvette Hagen & Timothy Herd

Application for Resource Consent

- **Take & Use Omaka River Valley Aquifer**

Final

2016

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1 Introduction

The applicants are Yvette Jane Hagen & Timothy James Herd.

The applicants own land to the immediate south of Renwick that is accessed off Hawkesbury Road. The subject property is Lot 2 DP6020.

The property features a developed vineyard irrigated as per a component share of resource consent U061154. That resource consent provided for the abstraction of 162.7 m³/day for the irrigation of 8 hectares of vineyard.

This irrigation water was abstracted via bore P28w/2519.

Resource consent U061154 is due to expire 1 March 2017 so the applicants are seeking the re-allocation of the irrigation water. In addition the bore, P28w/2519, is showing signs of failure & potential collapse so it is also proposed to drill a new irrigation bore.

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;
- Water Permit – Use Ground Water; and
- Land Use – Bore.

Attached to this application are the following:

- Appendix 1 – Location Plan;
- Appendix 2 – Site Plan;
- Appendix 3 – Bore Permit Information; and
- Appendix 4 – Title Documents.

2 The Proposal

Yvette Jane Hagen and Timothy James Herd are seeking resource consent for the following specific activities:

- Water Permit – Take Underground Water
 - *To abstract up to 162.7 m³/day of underground water from a proposed bore on Lot 2 DP 6020.*
- Water Permit – Use Underground Water
 - *To use underground water to irrigate up to 8.4 hectares of vineyards on Lot 2 DP 6020.*
- Land Use – Bore
 - *To drill an irrigation bore on Lot 2 DP 6020.*

The proposed new bore will be adjacent to the existing bore P28w/2519.

Once drilled and commissioned a new meter & datalogger will be installed as per the requirements of the Resource Management and Reporting of Water Takes Regulations 2010. A copy of the meter verification is held with Council.

Domestic water will also be abstracted via the new bore.

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.

As per the MDC well location map the nearest neighbouring bore is located some 200 m distant from the existing bore beside which the new bore will be drilled.

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

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.

Rule 27.1.4.2 provides for the drilling of bores over 5 metres deep as a Limited 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.

7.2 The Proposed Bore

When assessing the proposed construction of a bore and whether or not adverse effects on the environment may result from the bore construction it is necessary to consider the following matters:

- Will the bore be capped?
- Is there the potential for contamination of groundwater to occur?
- Will the use of the bore result in drawn-down effects on neighbouring bores or water resources? and
- Any other potential effects?

7.2.1 Will the Bore be Capped?

The bore will be constructed to intercept water. In order to prevent any wastage of water (if there is positive head) the bore will be capped.

7.2.2 Potential for Contamination of Groundwater

Contamination of the groundwater can occur if the bore is not capped or during the construction process. The proposed bore will be capped to prevent any wastage of water or the potential entry of contaminants into the groundwater via the bore.

Contamination of groundwater can occur during drilling operations. To ensure this does not occur the bore will be constructed by an experienced local well driller and it is not intended to utilise any drilling mud that may contaminate the surrounding material or groundwater.

7.2.3 Draw-down Effects

The nearest neighbouring bore is located in excess of 200 metres distant. This separation distance is considered sufficient to ensure that the proposed bore will not lead to adverse drawdown effects.

7.2.4 Any Other Potential Effects

There are no other potential issues associated with the proposed bore. Rule 27.1.4.2.4 states that the written approval of affected persons will not be necessary except where the minimum separation distance between neighbouring bores cannot be met. The minimum separation distance required is 200 metres and this distance will be met.

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 \$750,000 dollars for the development of irrigation infrastructure, assets and systems, and establishing vineyards.

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.

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

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.

9.4.2 The Bore Permit

Objective 6.3.1.1 identifies competing and increasing demands for fresh water resources may lead to inequitable allocation.

Policy 6.3.1.1.7 seeks to ensure that new bores are located to avoid, remedy or mitigate interference effects on other water users.

The proposed bore will comply with permitted activity separation distances and is therefore consistent with this objective and policy.

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

Yvette Jane Hagen and Timothy James Herd are seeking resource consent for the following specific activities:

- Water Permit – Take Underground Water
 - *To abstract up to 162.7 m³/day of underground water from a proposed bore on Lot 2 DP 6020.*
- Water Permit – Use Underground Water
 - *To use underground water to irrigate up to 8.4 hectares of vineyards on Lot 2 DP 6020.*
- Land Use – Bore
 - *To drill an irrigation bore on Lot 2 DP 6020.*

The proposed new bore will be adjacent to the existing bore P28w/2519.

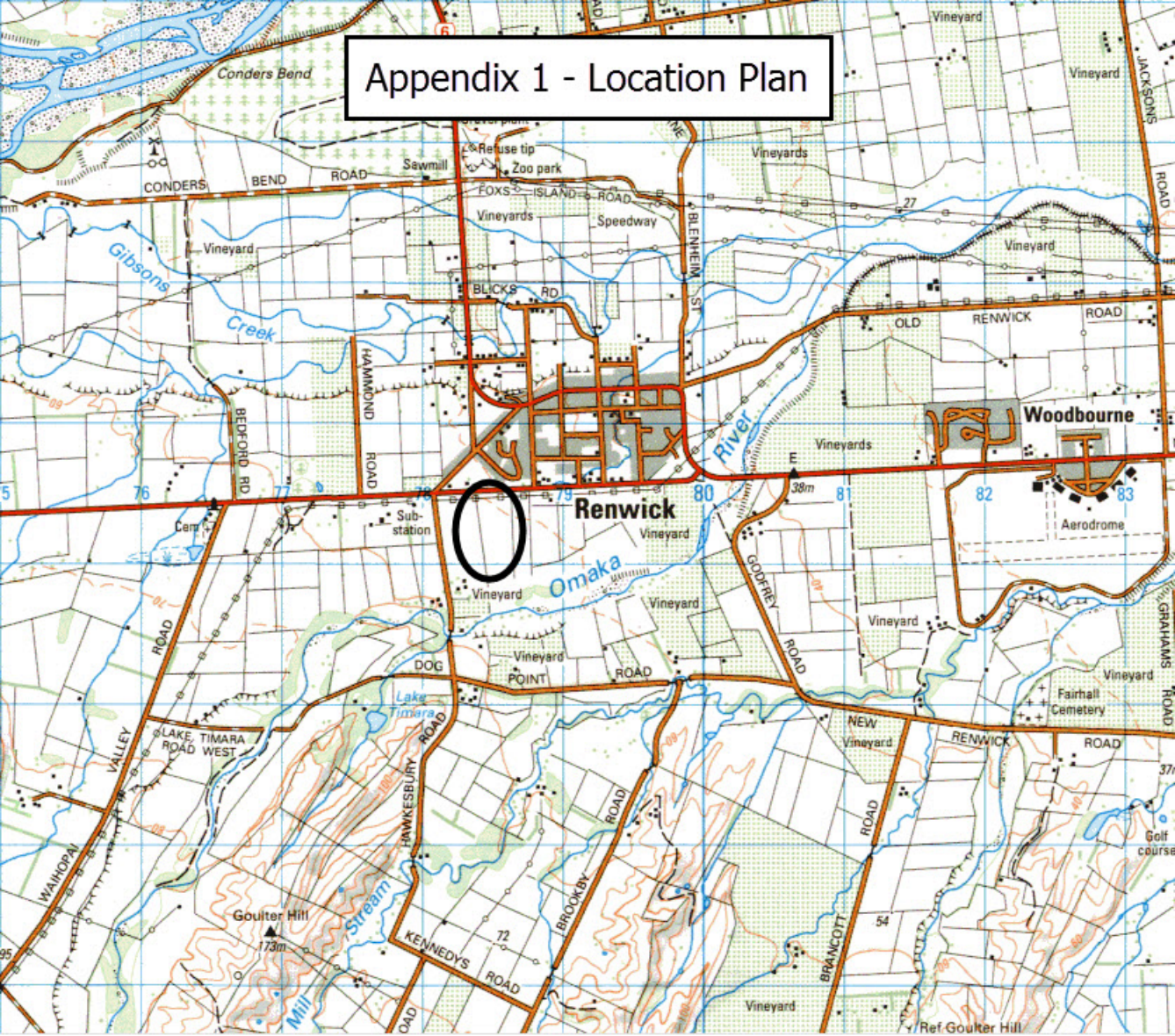
Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

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 1 - Location Plan



Appendix 2 – Detailed Site Plan

Appendix 2 - Site Plan



nearest
neighboring
bore ~ 190m

Lot 2 DP 5020

proposed
well site

Appendix 3 – Bore Permit

Appendix 4 – Title Documents



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier MB3E/175
Land Registration District Marlborough
Date Issued 03 November 1982

Prior References

MB3D/277

Estate Fee Simple
Area 8.3730 hectares more or less
Legal Description Lot 2 Deposited Plan 6020

Proprietors

Timothy James Herd and Yvette Jane Hagen

Interests

92500 Certificate declaring State Highway 63 adjoining the within land to be a Limited Access Road - 29.9.1978 at 2.01 pm

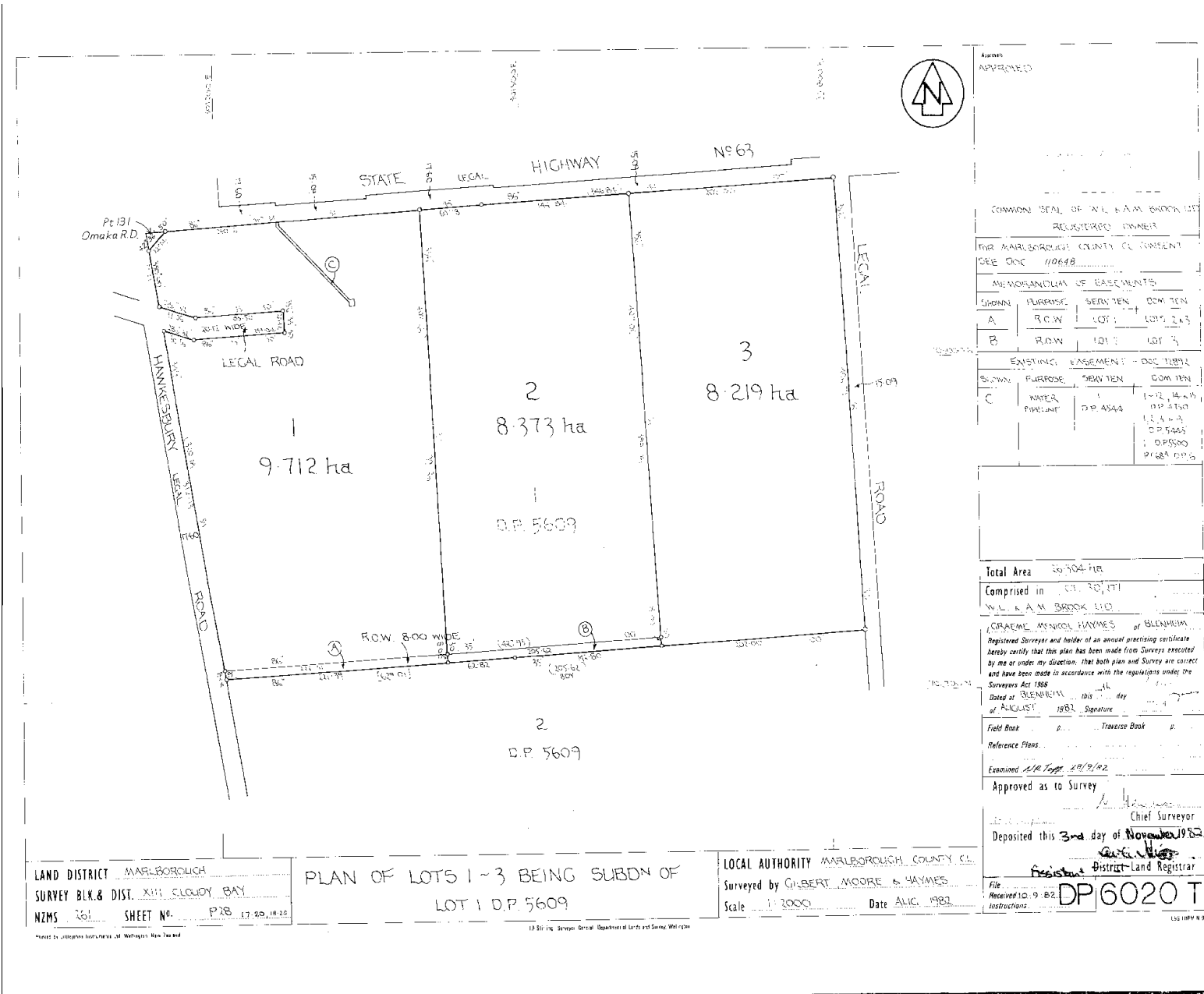
100826.2 Fencing Proviso - 6.11.1980 at 11.03 am

Appurtenant hereto is a right of way specified in Easement Certificate 111127.2 - 3.11.1982 at 11.30 am

Subject to a right of way over part marked B on DP 6020 specified in Easement Certificate 111127.2 - 3.11.1982 at 11.30 am

The easements specified in Easement Certificate 111127.2 are subject to Section 309 (1) (a) Local Government Act 1974

10333785.3 Mortgage to Christopher John Hagen, Marilyn Gale Hagen and Kenneth Neil Duffell - 19.2.2016 at 8:58 am



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)*

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.