



**MARLBOROUGH  
DISTRICT COUNCIL**

## **RESOURCE CONSENT APPLICATION**

**U160679**

# **Willowgrove Dairies Limited**

6331 State Highway 6, Rai Valley

**Submissions Close**

**5.00 pm Friday 5 August 2016**



9 June 2016

Anna Eatherly & Glen Parker  
Manager – Resource Consents  
Marlborough District Council

Dear Anna & Glen

**RE: Application for Resource Consent – Willowgrove Diaries**

Please find attached an application for resource consent to abstract & use Rai River water.

The volume of water applied for has been determined as per the *Irricalc* model as equates to the following abstraction & use rates:

- 34 l/s
- 2650 m<sup>3</sup>/day; and
- 5775 m<sup>3</sup>/ha/season.

The monthly irrigation requirements are outlined within the context of the application document.

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "Steve Wilkes", written over a horizontal line.

**STEVE WILKES**  
DIRECTOR

Temple Chambers, 76 High Street, Blenheim, 7201, New Zealand  
T: +64 3 5772162 W: wilkesrm.co.nz

**Steve Wilkes** DIRECTOR  
steve@wilkesrm.co.nz

**Cath Hammond** CONSULTANT  
cath@wilkesrm.co.nz

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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-CI1579

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

Date Received:

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

Name:  
(full legal name)

Willowgrove Dairies Limited

Mailing Address:  
(including post code)

c/- Tony Leggett  
66 Pharazyn Road, RD 7,  
Fielding, 4777

Email Address: twleggett@gmail.com

Phone: (Daytime) 06 323 0730

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:

WilkesRM - Catherine Hammond

Mailing Address:  
(including post code)

Temple Chambers  
76 High Street  
Blenheim 7201

Email Address: cath@wilkesrm.co.nz

Phone: (Daytime)

Phone: (Mobile) 0274281847

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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

This is an application to take and use Rai River surface water.

### 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): 6331 State Highway 6, Rai Valley

Legal description (i.e. Lot 1 DP 1234): Sec 4, 17, 62 and Pt Sees 8, 16 & 19 Blk V Heringa SD

*(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) Catherine Hammond

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

Signature of applicant or authorised agent: C Hammond

Date: 9/06/2016

### 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

# Schedule Four

## Resource Management Act 1991

### Information Required in Application for Resource Consent



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ISO 9001:2000  
Document Number:  
RAF0022-C11579

#### **1 Information must be specified in sufficient detail**

Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

#### **2 Information required in all applications**

- (1) An application for a resource consent for an activity (the activity) must include the following:
  - (a) a description of the activity;
  - (b) a description of the site at which the activity is to occur;
  - (c) the full name and address of each owner or occupier of the site;
  - (d) a description of any other activities that are part of the proposal to which the application relates;
  - (e) a description of any other resource consents required for the proposal to which the application relates;
  - (f) an assessment of the activity against the matters set out in Part 2;
  - (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).
- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—
  - (a) any relevant objectives, policies, or rules in a document; and
  - (b) any relevant requirements, conditions, or permissions in any rules in a document; and
  - (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).
- (3) An application must also include an assessment of the activity's effects on the environment that—
  - (a) includes the information required by clause 6; and
  - (b) addresses the matters specified in clause 7; and
  - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

#### **3 Additional information required in some applications**

An application must also include any of the following that apply:

- (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
- (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));
- (c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).

#### **4 Additional information required in application for subdivision consent**

An application for a subdivision consent must also include information that adequately defines the following:

- (a) the position of all new boundaries;
- (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips;
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips;
- (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A;
- (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A);
- (g) the locations and areas of land to be set aside as new roads.

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## **5 Additional information required in application for reclamation**

An application for a resource consent for reclamation must also include information to show the area to be reclaimed, including the following:

- (a) the location of the area;
- (b) if practicable, the position of all new boundaries;
- (c) any part of the area to be set aside as an esplanade reserve or esplanade strip.

### **Assessment of environmental effects**

## **6 Information required in assessment of environmental effects**

- (1) An assessment of the activity's effects on the environment must include the following information:
  - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
  - (b) an assessment of the actual or potential effect on the environment of the activity;
  - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
  - (d) if the activity includes the discharge of any contaminant, a description of—
    - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
    - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
  - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
  - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
  - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
  - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
  - (a) oblige the applicant to consult any person; or
  - (b) create any ground for expecting that the applicant will consult any person.

## **7 Matters that must be addressed by assessment of environmental effects**

- (1) An assessment of the activity's effects on the environment must address the following matters:
  - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
  - (b) any physical effect on the locality, including any landscape and visual effects;
  - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
  - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
  - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
  - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

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## **Section 88**

### **Resource Management Act 1991**

### **Making an Application**

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#### **88 Making an application**

- (1) A person may apply to the relevant consent authority for a resource consent.
- (2) An application must—
  - (a) be made in the prescribed form and manner; and
  - (b) include the information relating to the activity, including an assessment of the activity's effects on the environment, as required by Schedule 4.
- (2A) An application for a coastal permit to undertake an aquaculture activity must include a copy for the Ministry of Fisheries.
- (3) A consent authority may, within 10 working days after an application was first lodged, determine that the application is incomplete if the application does not—
  - (a) include the information prescribed by regulations; or
  - (b) include the information required by Schedule 4.
- (3A) The consent authority must immediately return an incomplete application to the applicant, with written reasons for the determination.
- (4) If, after an application has been returned as incomplete, that application is lodged again with the consent authority, that application is to be treated as a new application.
- (5) Sections 357 to 358 apply to a determination that an application is incomplete.

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Applicant's Name Willowgrove Dairies Ltd .....



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ISO 9001  
Document Number: RAF0007-CI1666

## 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 *Guidelines for Submitting a Water Permit Application*. 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.

Please complete all sections that apply.

### GENERAL:

1. Type of permit required:

Take surface water	<input checked="" type="checkbox"/>	Dam water	<input type="checkbox"/>
Take underground water	<input type="checkbox"/>	Divert water	<input type="checkbox"/>

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

If yes, please state the water permit number U160442 .....

3. Purpose for which water is required? Pasture and crop irrigation  
(Industrial, crop irrigation, etc) .....

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

5. Maximum quantity of take .....litres per second  
2650 .....cubic metres per day  
.....cubic metres per week

### GROUNDWATER:

1. Well number (if existing well) O27w/0050; O27w/0075; O27w/0076 .....
2. Depth from ground level to bottom of well 30.4, 13.3, 12 .....metres
3. Diameter of well 100, 250, 300 .....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 Screened suction  
(e.g. intake gallery, suction hose, diversion channel, etc.)
2. Number of pumps to be used? 1
3. Rate of flow for pump Up to 30 litres per second.
4. Delivery pipe diameter 100 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 and field crops															
AREA <i>Number of hectares</i>	50															
APPLICATION RATE (m <sup>3</sup> / ha / day)	50															
QUANTITY <i>Cubic metres per day</i>	2650															
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, gun, k-line															

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

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**Willowgrove Dairies  
Ltd**

**Application for Resource Consent:**

- **To Abstract and Use  
Surface Water**
- 

Final

June 2016

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# 1 Introduction

The applicant is Willowgrove Dairies Limited.

The shareholders of WDL are Tony Wilmore Leggett, John Craig Leggett, Barbara Jean Gilmore and Andrew John Gilmore.

The WDL property is located some 3.5 km north of the Pelorus Reserve and straddles State Highway 6 and comprises multiple titles including Sec 4, 17, 62 and Pt Secs 8, 16 and 19 Blk V Heringa SD. In total there is some 50 hectares (ha) of the property that is suitable for irrigation.

The property has historically been irrigated by various short-term water permits dating back to 2003, the most recent and current water permit being U160442. That permit provides for:

- The abstraction of up to 2500 cubic metres per day ( $\text{m}^3/\text{day}$ ) of short term Rai River surface water from an existing intake.
- The use of water to irrigate up to 50 ha of pasture on Secs 4, 17, 62 and Pt Secs 8, 16 and 19 Blk V Heringa SD.

As a result of the Proposed Marlborough Environment Plan provisions which provides for short term water allocations to be amalgamated with long term water permits to create a new A Class allocation, WDL wishes to re-apply for their short term allocation of 2500  $\text{m}^3/\text{day}$  of Rai River water to provide a new A Class water permit.

Further to this, the applicant is seeking additional water under the Proposed Marlborough Environment Plan's new B Class allocation. The abstraction volume sought is consistent with the irrigation demand for the property as determined by the *IrriCalc* model as per Appendix 3.

Following the grant of this application to the applicant's satisfaction, water permit U160442 will be surrendered.

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; and
- Water Permit – Use Surface 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 applicant, Willowgrove Dairies Limited, seek the following resource consents:

- Water Permit – Take Surface Water
  - *To abstract Rai River surface water from an existing intake up to a maximum rate of 34 litres per second, 2650 cubic metres per day. This comprises:*
    - *28.9 l/s, 2500 m<sup>3</sup>/day of A Class water from the Rai River; and*
    - *5.1 l/s, 150 m<sup>3</sup>/day of B Class water from the Rai River.*
- Water Permit – Use Water

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- To use water for the irrigation of up to 50 hectares of broad acre pasture and or field crops on Sec 4, 17, 62 and Pt Secs 8, 16 and 19 Blk V Heringa SD.

The 90 Percentile monthly maximum volumes as per the IrrCalc Model are:

	<i>Jul</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>
<i>Per Hectare (m<sup>3</sup>/ha)</i>	0	0	0	520	1050	1580	1580	1580	1050	520	0	0
<i>Total Area (m<sup>3</sup>)</i>	0	0	0	520	1050	1580	1580	1580	1050	520	0	0

The daily maximum abstraction rate has been determined by multiplying the daily volume which in this case is 53m<sup>3</sup>/ha/day (as per *IrrCalc*) by the number of ha which in this case is 50 ha giving a total of 2650m<sup>3</sup>/day being 34 l/s.

The proposed A Class abstraction is the applicant's current short term water permit being 2500 m<sup>3</sup>/day.

The proposed B Class abstraction is the remaining seasonal irrigation demand required, this being the daily maximum abstraction of 2650 minus 2500 (which is the A Class volume) to give a volume of 150 m<sup>3</sup>/day being 5.1 l/s.

All water abstracted will continue to be metered as per the existing water meter (#2377) that has been verified.

It is proposed to irrigate up to the maximum irrigation application rates as per the Marlborough District Council's irrigation application guideline rates of 50 m<sup>3</sup>/ha/day for pasture and field crops.

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The applicant volunteers a review condition in accordance with s128 of the Resource Management Act 1991 to bring the consent conditions in line with the final outcome of the Marlborough Resource Management Plan's rules relating to maximum or minimum level of flows or rates of use.

It is accepted that the ability to abstract water from the Rai River is governed by low flow restrictions which will be complied with accordingly.

The proposed total daily abstraction rate of 2650m<sup>3</sup>/day will not be exceeded, nor will the 90<sup>th</sup> percentile monthly maximum volumes per hectare be exceeded.

A 20 year duration is sought for this application.

Upon the successful granting of this application, to the applicants satisfaction, the applicant will surrender their water permit U160442.

### **3 The Existing Environment**

The property is located at 6331 State Highway 6 Rai Valley and comprises a total of some 230 ha of pasture and forestry.

The existing intake is located at the confluence of Twiddles Creek and the Rai River at or about E1648136 N5431462.

The general location is characterised by agricultural land use on the valley river flats and lower foothills with the steeper surrounding hill country dominated by forestry or native bush.

Overall the existing landscape can best be described as a highly modified and developed rural landscape.

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## 4 Statutory Framework

### 4.1 The Resource Management Act 1991

Section 14 of the Resource Management Act 1991 (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.

Section 86B(3) of the RMA requires that a rule in a proposed plan has immediate legal effect if the rule:

- (a) protects or relates to water, air, or soil (for soil conservation); or
- (B) protects areas of significant indigenous vegetation; or
- (c) protects areas of significant habitats of indigenous fauna; or
- (d) protects historic heritage; or
- (e) provides for or relates to aquaculture activities.

Therefore the water allocation rules in the Proposed Marlborough Environment Plan have immediate effect.

### 4.2 The Proposed Marlborough Environment Plan

The General Rules of the Proposed Marlborough Environment Plan provide for the abstraction of water not listed as either a permitted, controlled or prohibited activity as a discretionary activity.

The proposal is not provided for as a permitted activity or controlled activity, or limited as a prohibited activity and therefore requires a discretionary activity consent.

In effect the Proposed Marlborough Environment Plan provides for short term water allocations as per the Marlborough Sounds Plan as 'long term' water.

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### 4.3 The Marlborough Sounds Resource Management Plan

General Rule 26.1.1.3 of the Plan states that the taking and use of water from Category 1 or 2 rivers is a discretionary activity.

## 5 Statutory Acknowledgements

It is recognised that the Crown has provided a Statutory Acknowledgement over Te Hoiere / Pelorus River and its tributaries to Te Ātiawa o Te Waka-a-Māui, Ngati Kuia, Ngati Toa Rangatira, Ngati Koata and Ngati Tama ki Te Tau Ihu.

The Rai River is a main tributary of Te Hoiere / Pelorus River.

## 6 Consultation and Notification

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

## 7 Assessment of Effects

### 7.1 Water Take Effects on the Rai River

The ability to abstract water from the Rai Freshwater Management Unit is governed by A and B Class low flow restrictions. Those restrictions have been determined in order to protect instream values.

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This proposal seeks to abstract water that is available to be allocated and in a manner which is consistent with the Proposed Plan's water allocation framework. The proposal will therefore ensure that the life supporting capacity of the Rai River is safeguarded.

## 7.2 Potential Effects on Other Users

The likelihood of interference effects depends on the distance between abstractions, the amount of water being abstracted and the aquifer or river characteristics.

The nearest neighbouring intake is located in excess of 1 km from the applicants intake site. This distance will ensure that the abstraction will not lead to any interference effects being realised.

## 7.3 The Efficient Use of Water

The quantity applied for is considered to be appropriate and is consistent with the *IrriCalc* model to ensure sufficient irrigation water for the applicant's property. This is achieved through compliance with the monthly maximum irrigation rates.

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.

## 7.4 Any Alternative Locations or Methods

No alternative locations or methods have been considered as the applicant believes the activity proposed would give the best result in terms of efficient of use while ensuring environmental effects are no more than minor.

## 7.5 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) as the proposal is in accordance with the Plan's water allocation guidelines and MDC's irrigation application rate guidelines.

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The proposal is not anticipated to have any adverse landscape or visual effects as the land has been a developed dairy farm for many years and irrigation infrastructure is already in place. The taking and use of water is a common occurrence in rural Marlborough.

As shown in the attached certificates of title there are no constraints that seek to limit the activities proposed.

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

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:

- Compliance with the Rai river low flow restrictions;
- Compliance with the maximum irrigation usage as per *IrrCalc*;
- Lack of interference effects on neighbouring intakes and wells; and
- An efficient use of the resource.

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## 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.

#### Section 5 Purpose

The application is consistent with the purpose of the RMA. There is a clear balance between the take and use of water for irrigation to improve productivity of rural land and hence the social wellbeing of the applicants and the flow on effects to the Marlborough community, with the protection of in-stream ecosystem functions and values, and the avoidance of effects on other river users.

#### 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 the water resources that are encompassed within the Rai Freshwater Management Unit, of which the Rai River falls within, is maintained under the water allocation regime.

The proposed abstraction volume is minimal when compared to the river flow at which the proposed restrictions may be imposed and therefore has no discernible effect on the natural character of the river flow.

- (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 along the Rai River as a result of the 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 river resources.

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

There are no known historic sites relevant to this proposal.

- (g) *The protection of recognised customary activities.*

There are no recognised customary activities relevant to this proposal.

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## **Section 7 Other Matters**

The application is considered to be consistent with Section 7, primarily due to the scale of the take and use and the effects on the environment are less than minor. In particular there are no adverse effects on amenity or the habitat of trout and salmon and the allocation of water consistent with the Proposed Plans framework allows for the efficient use of this resource.

## **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.

## **Section 104(2A)**

Section 104(2A) of the RMA requires that a Consent Authority, when considering an application affected by Section 124<sup>1</sup>, must have regard to the value of investment of the existing Consent Holder.

The property features extensive infrastructure that can provide for the irrigation of up to 50 hectares of broad acre irrigation including an intake, water metering, irrigation mainline and sub-mains and irrigation pods. The value of that investment is in excess of \$250,000.

## **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.

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

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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.

This proposal seeks the allocation of water consistent with the Proposed Plans requirements. Consequently the proposal is considered consistent with the relevant provisions of NPSFW being Water Quality Objective A1 & Policy A1 together with the Water Quantity Objectives B1, B2 and B3.

### 9.3 Proposed Marlborough Environment Plan

#### ***Chapter 4 – Marlborough's Natural and Physical Resources***

*Objective 4.1 – Marlborough's primary production sector and tourism sector continue to be successful and thrive.*

*Policy 4.1.2 – Enable sustainable use of natural resources in the Marlborough environment.*

#### ***Chapter 6 – Natural Character***

*Objective 6.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins.*

*Policy 6.1.1 – Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character: ....*

*(f) Water flows and levels, and water quality.*

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## Chapter 14 – Use of the Rural Environment

*Objective 14.1 – Rural environments are maintained as a resource for primary production activities enabling these activities to continue contributing to economic wellbeing, whilst ensuring the adverse effects of these activities are appropriately managed.*

*Policy 14.1.1 – Enable the efficient use and development of rural environments for primary production.*

*Policy 14.1.4 – Manage primary production activities to ensure they are sustainably carried out through the implementation of policies and methods (including rules establishing performance standards for permitted activities) to address potential adverse effects on:...*

*(c) Water quality and water availability:...*

The agriculture industry relies on access to and the use of freshwater for irrigation. The use of allocation frameworks for freshwater enables the sustainable use of freshwater. This application is within the Rai River allocation and is therefore considered consistent with the objectives and policies of the Proposed Marlborough Regional Policy Statement provisions.

## 9.4 Marlborough Regional Policy Statement

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

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

*7.2.3 Policies - Allocation of Water*

*(a) Establish mechanisms for the allocation of surface water and groundwater from the Wairau, Awatere, Clarence and Pelorus/Kaituna catchments.*

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(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 proposal is consistent with this objective and policies.

As stated the volume of water authorised for abstraction equates to an irrigation application rate consistent with the recognised irrigation application rates. The proposed abstraction can therefore be considered to be an equitable and efficient use of the water resource.

## 9.5 The Marlborough Sounds Resource Management Plan

The Marlborough Sounds Resource Management Plan (the Plan) contains objectives and policies of relevance to this proposal. Of particular relevance are the following provisions contained within section 3.2.5 (Volume 1) of the Plan:

*Objective 1      That the natural functioning of ecosystems is not disrupted by the taking, use damming and diversion of fresh surface water.*

*Policy 1.1        Adopt a precautionary approach towards the allocation of surface water resources.*

*Policy 1.3        Avoid environmental effects on fresh water ecosystems from the taking of fresh surface water. Generally this will mean not more than 30% of the five year seven day low flow is allocated for abstraction.*

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As this proposal is consistent with the Plans water allocation regime which has been developed to give effect to the various objectives and policies the proposal itself is considered to be consistent with this objective and policies.

## 10 Resource Consent Duration

The applicant seeks that the consents sought to breach Section 14 of the RMA be granted with a 20 year duration.

## 11 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 water abstraction is to be carried out by the consent holder, which involves meeting any applicable resource consent conditions and ensuring telemetered water metering is in place.

## 12 Conclusion

The applicant, Willowgrove Dairies Limited, seek the following resource consents:

- Water Permit – Take Surface Water
  - *To abstract Rai River surface water from an existing intake up to a maximum rate of 34 litres per second, 2650 cubic metres per day. This comprises:*

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- 28.9 l/s, 2500 m<sup>3</sup>/day of A Class water from the Rai River; and
  - 5.1 l/s, 150 m<sup>3</sup>/day of B Class water from the Rai River.
- Water Permit – Use Water
    - To use water for the irrigation of up to 50 hectares of broad acre pasture and or field crops on Sec 4, 17, 62 and Pt Secs 8, 16 and 19 Blk V Heringa SD.

*The 90 Percentile monthly maximum volumes as per the IrriCalc Model are:*

	<i>Jul</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>
<i>Per Hectare (m<sup>3</sup>/ha)</i>	0	0	0	520	1050	1580	1580	1580	1050	520	0	0
<i>Total Area (m<sup>3</sup>)</i>	0	0	0	520	1050	1580	1580	1580	1050	520	0	0

Telemetry and a datalogger are installed at the intake in order to satisfy the requirements of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

An assessment of the potential effects of the proposal on the environment has found that any such effects will not be more than minor and that the proposed irrigation application represents the efficient allocation and use of water.

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

Accordingly resource consent should be granted to this proposal.

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Appendix 1 – Location Plan

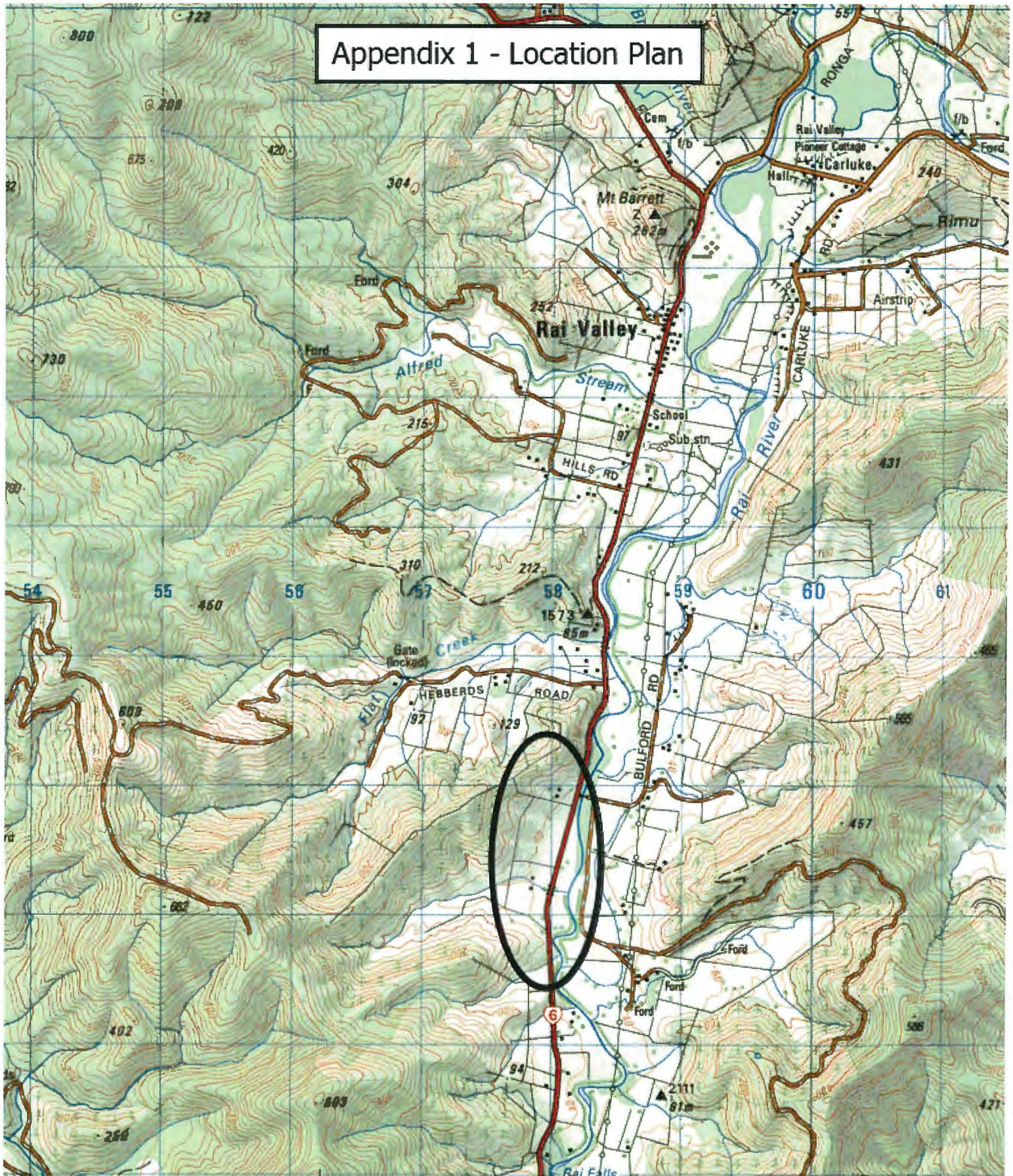
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## Appendix 1 - Location Plan



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Appendix 2 – Site Plan

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Appendix 2 - Site Plan



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## Appendix – Irrigation Requirements

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# IRRIGATION REASONABLE USE DATABASE

5 STEPS - TO GET THE IRRIGATION REQUIREMENTS INFORMATION YOU NEED FOR IRRIGATION PLANNING, CONSENTING AND DESIGN



Ministry for Primary Industries  
Manatū Ahu Matua  
Sustainable Farming Fund



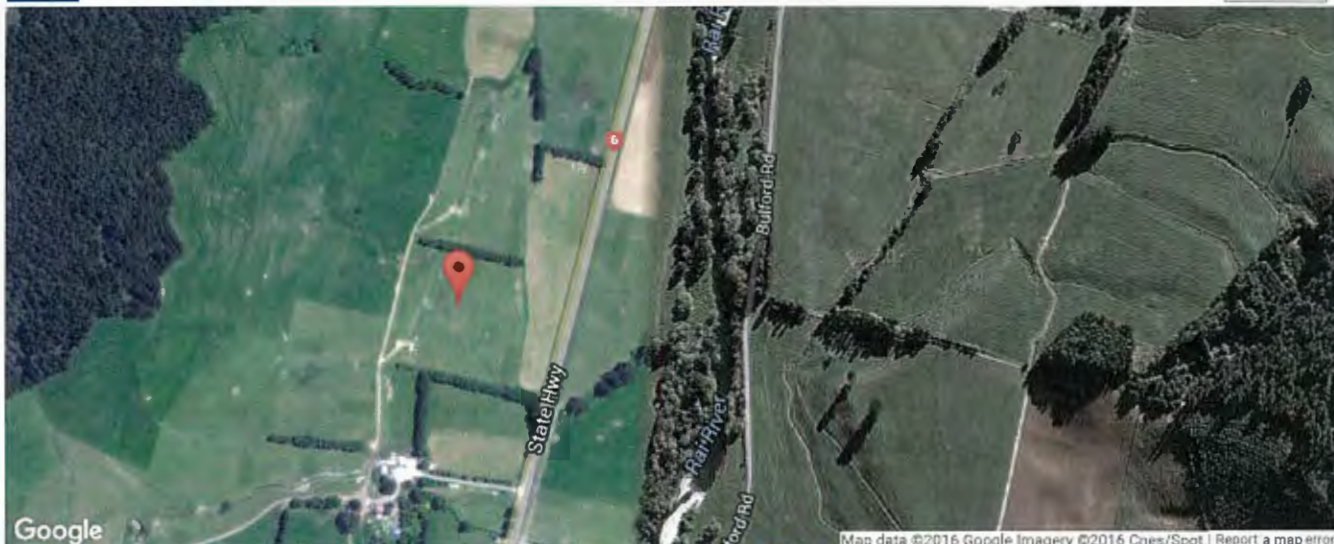
LGA

AQUALINC  
RESEARCH LIMITED

1

Enter the address or coordinates (latitude, longitude) of your farm and click 'Locate' or click on the map  
-41.264 , 173.572

Locate



Google

Map data ©2016 Google Imagery ©2016 Cnes/Spot | Report a map error

2

Select  
Crop

Pasture

3

Select  
Plant Available Water

(a) Most likely PAW in this area

4

Select  
Irrigation Method

80% Efficient

5

Fetch Data

## Farm Details

Description

Willowgrove Dairies Ltd

Latitude -41.264

Longitude 173.572

Council Marlborough

Climate Site ID P152127

Distance to  
Climate Site  
(km)

1.25

## Plant Available Water Details

PAW(mm)

80

Indicative  
Likelihood

67.1

Area  
(hectares)

1

0

0

0

0

Total area =

1

## Irrigation Requirements

System Capacity

Per Hectare

0.61

(l/s/ha)

Total Area

0.61

(l/s)

System Capacity

5.3

(mm/day)

Daily Volume

53

(m³/ha)

53

(m³)

7 Day Volume

(m³/ha)

(m³)

28 Day Volume

(m³/ha)

(m³)

90% ile Annual  
Volume

5,775

(m³/ha)

5,775

(m³)

## 90 Percentile Monthly Volume

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Per Hectare (m³/h)	0	0	0	520	1,050	1,580	1,580	1,580	1,050	520	0	0
Total Area (m³)	0	0	0	520	1,050	1,580	1,580	1,580	1,050	520	0	0

These estimates of irrigation requirements are based on the assumption that the crop you selected can be grown and irrigated at the site you have selected. Constraints such as topography and crop-specific climate requirements are not taken into account.

Irrigation requirements may be less than reported here if your soils are poorly drained or the water table is close to the soil surface.

Detailed Results

Save this Page

Background Information

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## Appendix 4 – Certificates of Title

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# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir  
Registrar-General  
of Land

## Search Copy

**Identifier** MB1A/1493  
**Land Registration District** Marlborough  
**Date Issued** 01 April 1964

### Prior References

MB6/221

---

<b>Estate</b>	Fee Simple
<b>Area</b>	2.7316 hectares more or less
<b>Legal Description</b>	Part Section 19 Block V Heringa Survey District

### Proprietors

Willowgrove Dairies Limited

### Interests

200608.1 Gazette Notice 1997 page 418 declaring State Highway 6 adjoining the within land to be a Limited Access Road - 27.10.1998 at 9.55 am

200618.3 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

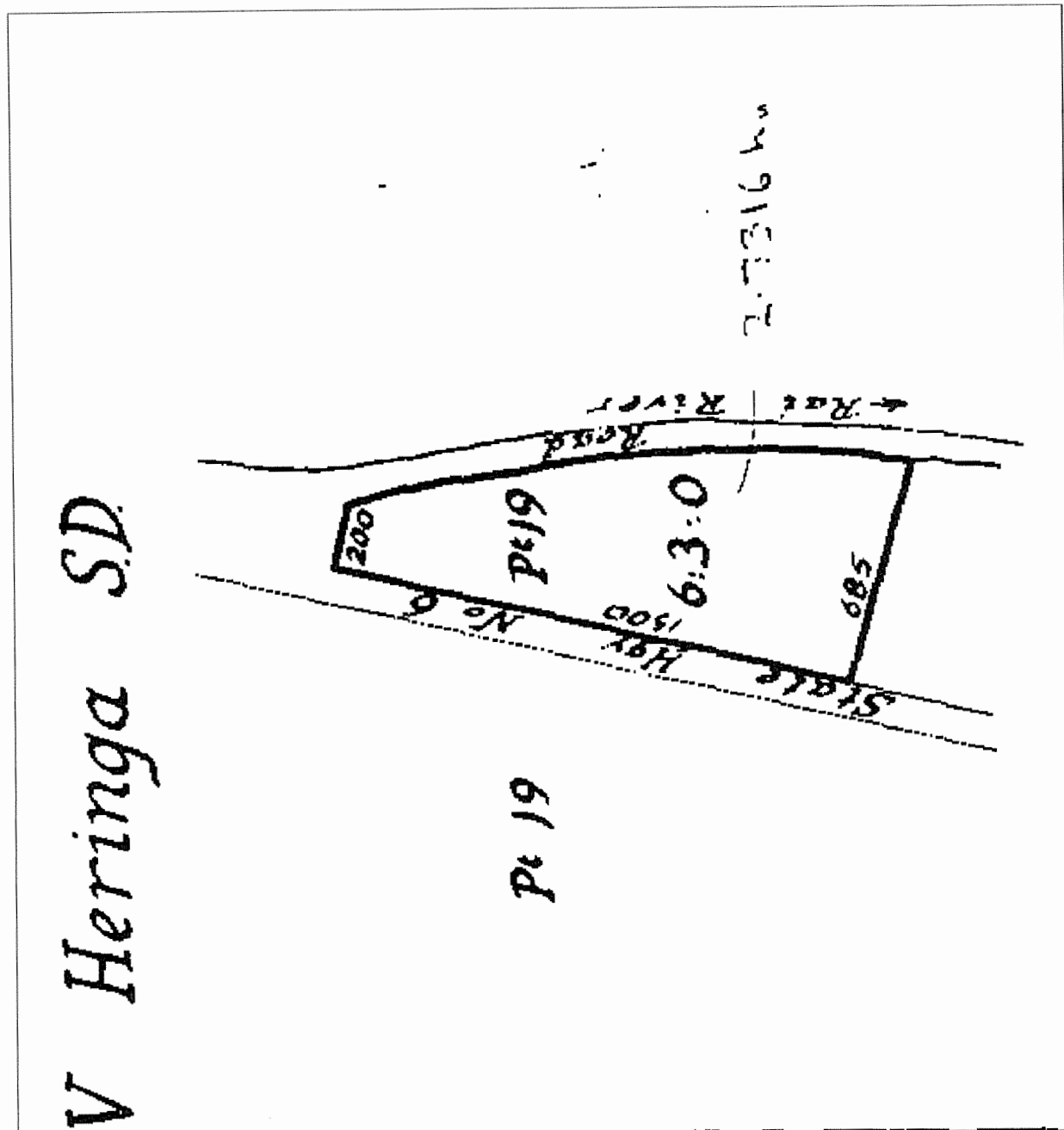
Subject to a right (in gross) to convey electricity over part marked M on DP 439977 in favour of Marlborough Lines Limited created by Easement Instrument 8749043.1 - 29.4.2011 at 2:00 pm

9067923.3 Mortgage to Peter Douglas Proffit and Judith Annette Proffit - 1.6.2012 at 3:19 pm

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UNDER LAND TRANSFER ACT 1952**

**Search Copy**



**Identifier** MB3E/1037  
**Land Registration District** Marlborough  
**Date Issued** 14 December 1983

**Prior References**

MB9/134

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<b>Estate</b>	Fee Simple
<b>Area</b>	61.5122 hectares more or less
<b>Legal Description</b>	Section 4 Block V Heringa Survey District
<b>Proprietors</b>	
Willowgrove Dairies Limited	

---

**Interests**

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

132278 Forestry Right granting rights over the within land for a term of 35 years from and inclusive of 2.12.1985 - 15.9.1986 at 11.55 am

9067923.3 Mortgage to Peter Douglas Proffit and Judith Annette Proffit - 1.6.2012 at 3:19 pm

9113924.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 3.7.2012 at 3:13 pm

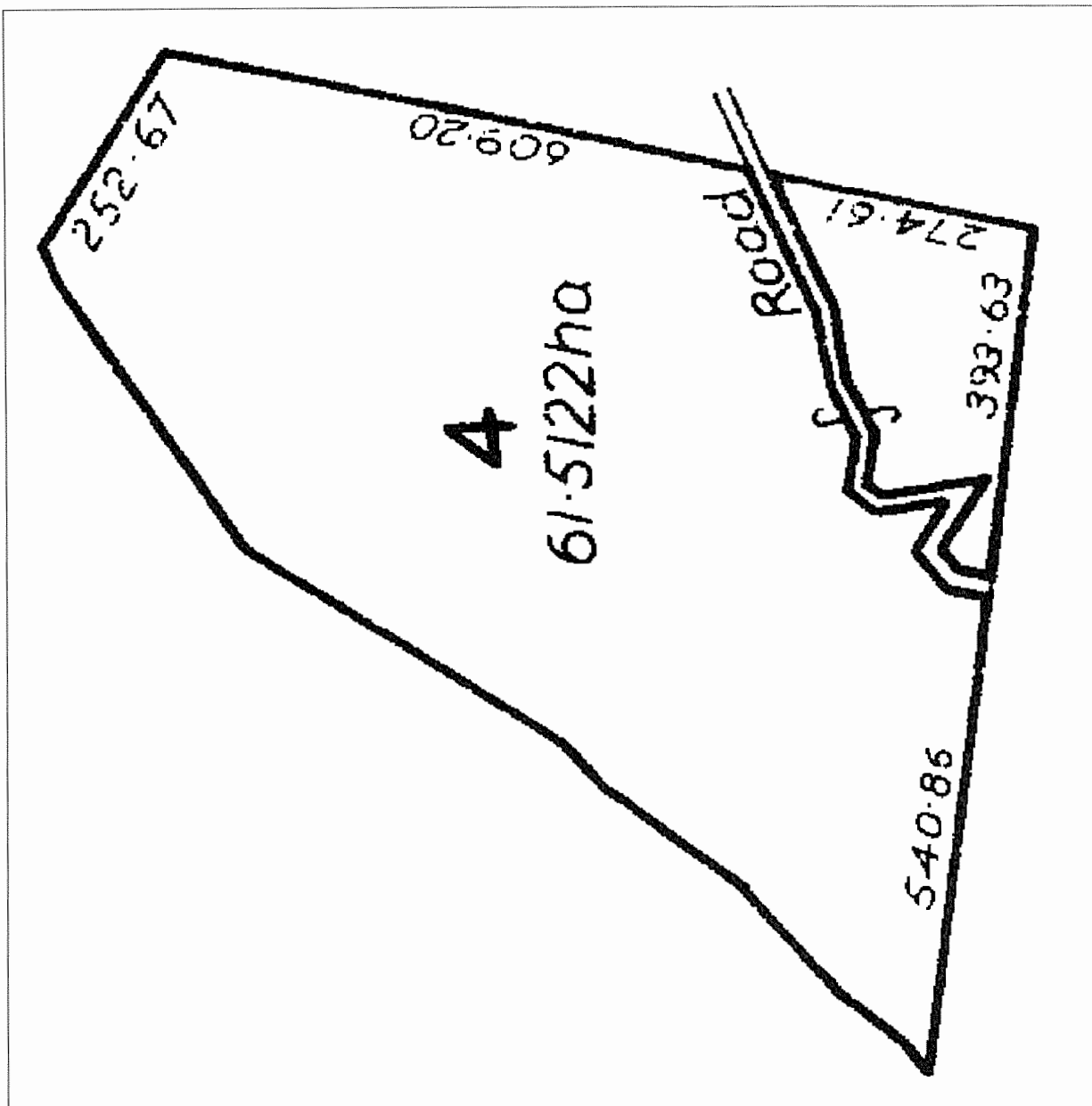
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**Search Copy**

**Identifier** MB1A/1492  
**Land Registration District** Marlborough  
**Date Issued** 01 April 1964

**Prior References**  
MB6/220

---

<b>Estate</b>	Fee Simple
<b>Area</b>	17.9073 hectares more or less
<b>Legal Description</b>	Part Section 19 Block V Heringa Survey District

**Proprietors**  
Willowgrove Dairies Limited

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**Interests**

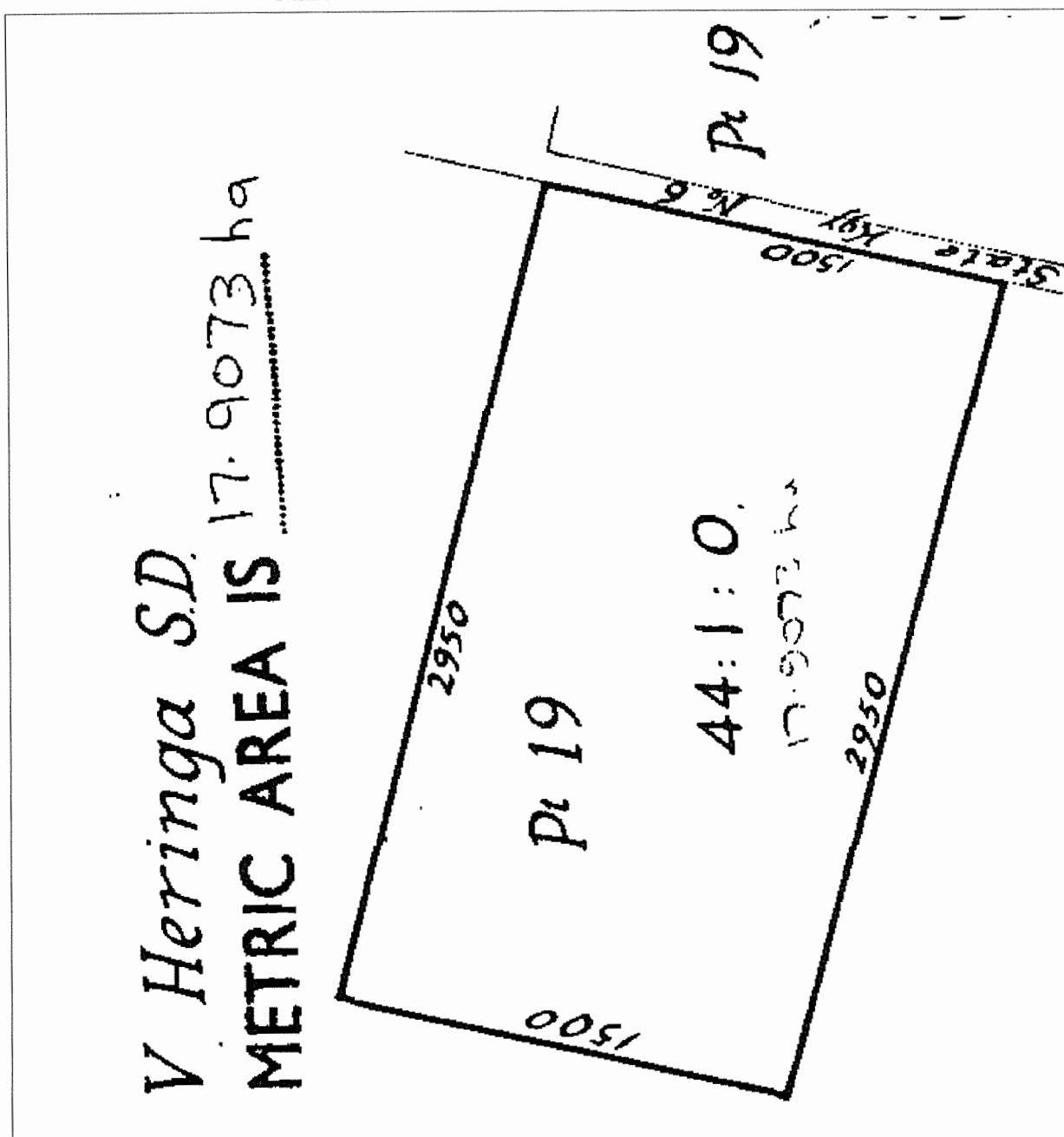
132278 Forestry Right pursuant to the Forestry Rights Registration Act 1983 Term 35 years from and inclusive of 2.12.1985 - 15.9.1986 at 11.55 am  
200608.1 Gazette Notice 1997 page 418 declaring State Highway 6 adjoining the within land to be a Limited Access Road - 27.10.1998 at 9.55 am  
200618.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am  
9067923.3 Mortgage to Peter Douglas Proffit and Judith Annette Proffit - 1.6.2012 at 3:19 pm  
9113924.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 3.7.2012 at 3:13 pm

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# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R.W. Muir  
Registrar-General  
of Land

## Search Copy

**Identifier** MB1A/1497  
**Land Registration District** Marlborough  
**Date Issued** 01 April 1964

### Prior References

MB10/48

---

<b>Estate</b>	Fee Simple
<b>Area</b>	63.7562 hectares more or less
<b>Legal Description</b>	Section 17, Part Section 8 and Part Section 16 Block V Heringa Survey District

### Proprietors

Willowgrove Dairies Limited

### Interests

132278 Forestry Right pursuant to the Forestry Rights Registration Act 1983 Term 35 years from and inclusive of 2.12.1985 - 15.9.1986 at 11.55 am

200619.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

200620.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

200608.1 Gazette Notice 1997 page 418 declaring State Highway 6 adjoining the within land to be a Limited Access Road - 27.10.1998 at 9.55 am

200619.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

200619.3 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

200618.4 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

200619.4 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 27.10.1998 at 9.55 am

Subject to a right (in gross) to convey electricity over part Section 16 marked O, Q and R and Section 17 marked N and P on DP 439977 in favour of Marlborough Lines Limited created by Easement Instrument 8749043.1 - 29.4.2011 at 2:00 pm

9067923.3 Mortgage to Peter Douglas Proffit and Judith Annette Proffit - 1.6.2012 at 3:19 pm

9113924.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 3.7.2012 at 3:13 pm (affects part Section 8 and Section 17 Block V Heringa Survey District)

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To: Marlborough District Council  
PO Box 443  
Blenheim 7240



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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.