

RESOURCE CONSENT APPLICATION

U161275

Riverlands Viticulture Limited

340 & 342 Alabama Road, Blenheim

Submissions Close

5.00 pm Monday 13 February 2017

Resource Consent Application

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



**MARLBOROUGH
DISTRICT COUNCIL**

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 \$ 945 —

Receipt No. 1788925

Consent No.

Case Officer:

Date Received:

RECEIVED

- 2 DEC 2016

**MARLBOROUGH
DISTRICT COUNCIL**

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

Name:
(full legal name)

Riverlands Viticulture Limited

Mailing Address:
(including post code)

P O Box 138
Blenheim
Attn: David Clark

Email Address: david@wmp.co.nz

Phone: (Daytime) 03 578 7269

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

Mailing Address:
(including post code)

Temple Chambers
76 High Street
Blenheim 7201

Email Address: steve@wilkesrm.co.nz

Phone: (Daytime) 03 5772162

Phone: (Mobile) 021 668 477

3. Type of Resource Consent Applied For

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

4. Brief Description of the Activity

To abstract and use water from the Opawa River for irrigation purposes.

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): 340 & 342 Alabama Rd

Legal description (i.e. Lot 1 DP 1234): Lots 1 & 2 DP 11610; Lot 2 DP 10857

(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.



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.

No

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) Steve Wilkes

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

Signature of applicant or authorised agent: 

Date: 23/11/2016

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

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

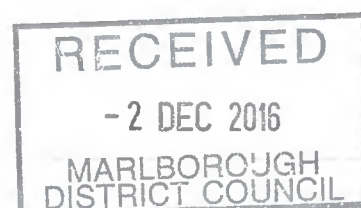
An application must also include any of the following that apply:

- (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.



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.

RECEIVED



Section 88

Resource Management Act 1991

Making an Application

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.



Applicant's Name Riverlands Viticulture Limited



**MARLBOROUGH
DISTRICT COUNCIL**

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

☒

Dam water

☐

Take underground water

☐

Divert water

☐

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

If yes, please state the water permit number U160025

3. Purpose for which water is required?

(Industrial, crop irrigation, etc)

Viticulture irrigation

4. Source of water Opaoa River

(name of river, stream, aquifer, etc)

5. Maximum quantity of take litres per second

..... cubic metres per day

136,174 cubic metres per week year

GROUNDWATER:

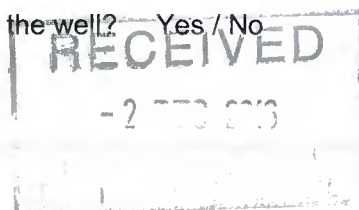
1. Well number (if existing well)

2. Depth from ground level to bottom of wellmetres

3. Diameter of wellmillimetres

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

If yes, please attach results.



SURFACE WATER:

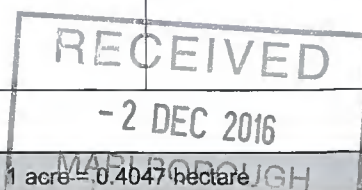
1. Abstraction method Intake
(e.g. intake gallery, suction hose, diversion channel, etc.)
2. Number of pumps to be used?
3. Rate of flow for pumplitres per second.
4. Delivery pipe diametermillimetres

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>	Viticulture															
AREA <i>Number of hectares</i>	65.5															
APPLICATION RATE <i>(m³ / ha / day)</i>	22															
QUANTITY <i>Cubic metres per year</i>	136,174															
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>	Trickle															



Conversion formulae – 1,000 litres = 1 cubic metre (m³) = 220 gallons 1 acre = 0.4047 hectare



Riverlands Viticulture Limited

Application for Resource Consent

- **Water Permit – Take and
Use Surface Water**
-

Final

2016

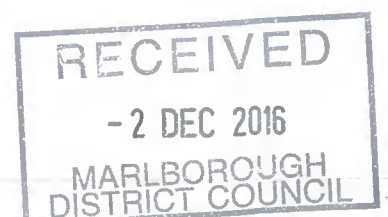
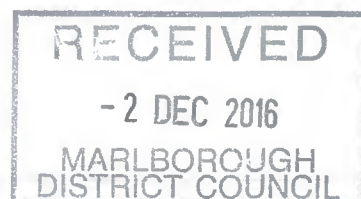


Table of Contents

1	Introduction.....	1
2	The Proposal.....	3
3	The Existing Environment.....	5
4	Statutory Framework	6
4.1	The Resource Management Act 1991	6
4.2	The Wairau Awatere Resource Management Plan	6
4.3	The Proposed Marlborough Environment Plan.....	6
5	Consultation and Notification	7
6	Assessment of Effects.....	7
6.1	Effects on the Opaoa River.....	7
6.2	Potential Effects on Other Users	7
6.3	The Efficient Use of Water	8
6.4	Any Alternative Locations or Methods.....	8
6.5	Any Other Potential Effect.....	8
7	Summary of Mitigation Measures	9
8	Various Planning Documents	10
8.1	Resource Management Act 1991	10
8.2	The National Policy Statement for Freshwater Management	12
8.3	Marlborough Regional Policy Statement	13
8.4	The Wairau Awatere Resource Management Plan	14
8.5	Proposed Marlborough Environment Plan.....	16
9	Proposed Monitoring	18
10	Conclusion.....	18

Appendices



1 Introduction

The applicant is Riverlands Viticulture Ltd.

The applicant owns land between Hocquards Drain and the Riverlands Co-Op Drain located at 342 Alabama Road, the legal description being Lot 1 DP 11610.

The applicant has recently been granted resource consent U160025 which allows for the taking of water from the Opaoa River up to a maximum rate of 374 m³/day for the irrigation of 17 hectares (ha) of vineyard on Lot 1 DP 11610.

This application has been lodged as the applicant has negotiated with a neighbour property owner to the immediate south to develop some 48.5ha of land into viticulture. The subject land to be developed is located at 340 Alabama Road, legally described as Lot 2 DP 11610 & Lot 2 DP 10857.

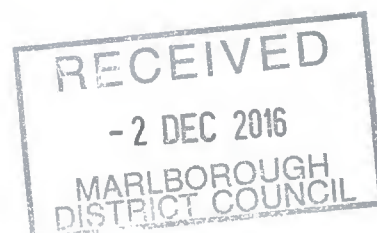
The applicant is therefore seeking additional water from the Opaoa River in order to irrigate a total of 65.5 ha of land.

The abstraction volume sought is consistent with the irrigation demand for the property as determined by the *IrriCalc* model as per Appendix 3.

Immediately following the grant of this application for resource consent, the applicant's water permit U160025 will be surrendered.

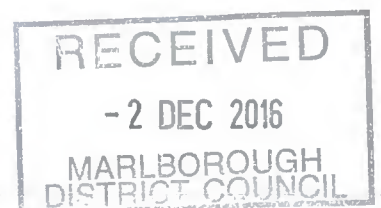
This report provides an assessment of effects on the environment in accordance with the Fourth Schedule of the Resource Management Act 1991 (RMA) for the following activities:

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



Attached to this application are the following:

- Appendix 1 – Location Plan;
- Appendix 2 – Site Plan;
- Appendix 3 – Irrigation Requirements;
- Appendix 4 – Title Documents.



2 The Proposal

Riverlands Viticulture Limited is seeking resource consent for the following specific activities:

- Water Permit – Take Surface Water
 - *To abstract Opaoa River FMU water up to a maximum rate of 136,174 m³/year from an intake located adjacent to Pt Lot 22 DEEDS 16 for the following uses.*
- Water Permit – Use Water
 - *To use Opaoa River FMU water for the irrigation of up to 65.5 ha of vineyard located on Lots 1 and 2 DP 11610 & Lot 2 DP 10857.*

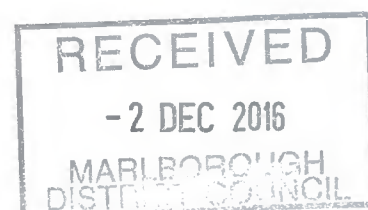
The water will be used up to the maximum monthly rate (cubic metres per month) set out in the table below:

	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>
<i>m³</i>	1310	22925	37335	39300	33405	21615	7205

The maximum cumulative annual usage will not exceed 136,174 cubic metres.

- *To use Opaoa River FMU water for miscellaneous use outside of the irrigation season at a maximum rate of 1441 m³/day and 6550 m³/non irrigation season.*

The point of abstraction is to be via a surface water intake (U160946, currently being processed). The location of the subject well is shown on the Site Plan contained in Appendix 2. Once the intake has been constructed a new water meter will be fitted and verified to demonstrate compliance with the Resource Management and Reporting of Water Takes Regulations 2010.

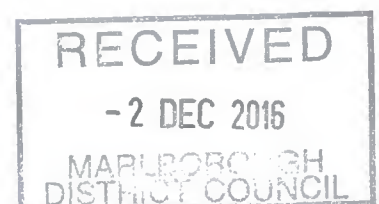


The total volume of water sought for miscellaneous use outside of the irrigation season is based upon experience with vineyards in Marlborough. That experience suggests that miscellaneous use (for example, crop spraying, machinery wash-down, irrigation line flushing) requires in the order of 100 m³/ha. Much of this demand is outside of the irrigation season.

In order to ensure that adverse effects in terms of the Opaoa River FMU or other authorised users do not arise the applicants seek to cap the daily miscellaneous use as per the maximum daily rate of take for irrigation purposes.

The abstraction volume sought is consistent with the irrigation demand for the property as determined by the *IrriCalc* model as per Appendix 4.

Following the satisfactory grant of this application for resource consent the applicant shall surrender water permit U160025.



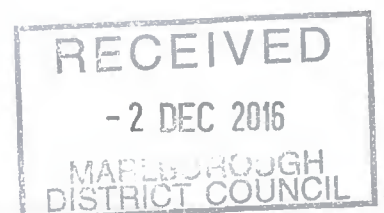
3 The Existing Environment

The subject land is located at the eastern end of Alabama Road between Mapps Drain and Hocquards Drain, as shown on the Site Plan contained in Appendix 2.

The subject land has historically been used for grazing of stock and growing crops. The land is soon to be developed into a vineyard.

The intake site is located adjacent to the Opaoa River, approximately 310m east of the State Highway 1 – Alabama Road intersection.

The nearest surface water take from the Opawa River is located some 770m downstream, according to Council's consent database.



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.

4.2 The Wairau Awatere Resource Management Plan

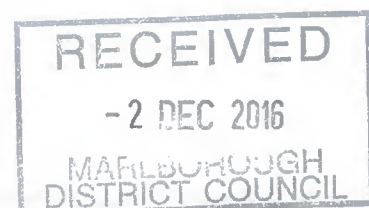
General Rule 27.1.2.3.1 of the Plan states that any abstraction from any water source other than the Wairau Aquifer between 10 and 500 m³/day/site shall be assessed as a **discretionary** activity.

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

4.3 The Proposed Marlborough Environment Plan

General Rules 2.5.2 and 2.5.3 of the Proposed Marlborough Environment Plan provides for any take and use of water not listed as either a permitted, controlled or limited as a prohibited activity as discretionary activities.

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



5 Consultation and Notification

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

6 Assessment of Effects

6.1 Effects on the Opaoa River

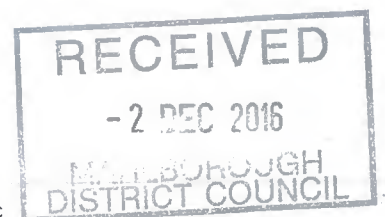
The Proposed Marlborough Environment Plan (MEP) details an allocation regime for the Opaoa River. The regime allows for 25,000 m³/day to be allocated. It is understood that the proposed volume sought, as determined by the reasonable use test model *IrriCalc*, does not trigger an exceedance to that specified allocation volume maximum.

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

6.2 Potential Effects on Other Users

It is believed that the imposition of low flow triggers will be sufficient to ensure that no adverse effects on other Opaoa River water uses will arise.

In addition, the nearest known downstream intake is located over 700 metres distant. This separation distance is considered adequate to ensure that no significant interference effects will arise.



6.3 The Efficient Use of Water

The quantity applied for is considered to be appropriate and is consistent with the *IrriCalc* model. 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.

Appropriate water metering will provide accurate records from the beginning of a new consent period based on actual operational requirements.

6.4 Any Alternative Locations or Methods

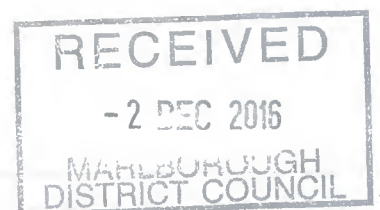
No alternative locations or methods have been considered as the applicant believes the activity proposed would give the best result in terms of efficiency of use while ensuring environmental effects are no more than minor.

6.5 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 *IrriCalc* water allocation model and MDC's irrigation application rate guidelines.

The proposal is not anticipated to have any adverse landscape or visual effects as the vineyard and irrigation infrastructure are already in place and that the taking and use of water is a common occurrence in rural Marlborough.

The property has a long history of being developed for agricultural purposes and has therefore been extensively modified. To the applicants knowledge there has been no adverse cultural effects resulting from the development of the subject land.



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 effects on cultural or historic values.

There are no other potential effects anticipated.

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



8 Various Planning Documents

8.1 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.

8.1.1 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 Opaoa will be maintained.

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

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

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

There are no such areas at risk from this proposal.

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



There is no effect on the current nature or location of public access as a result of the proposal.

- 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 Opaoa River.

- 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.

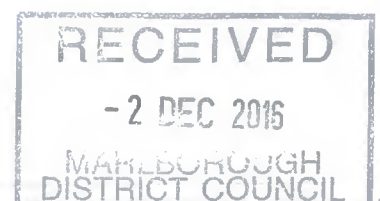
8.1.2 Section 7 Other Matters

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.



8.1.3 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.

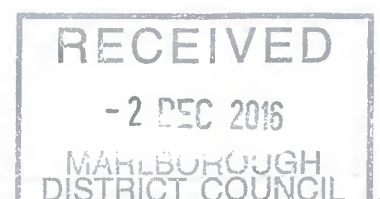
Based on the above assessment, it is considered that the proposal will meet the purpose and principles of the Act.

8.2 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 MEP details an allocation regime for the Opaoa River allowing for 25,000 m³/day to be allocated. The applicant understands that the allocation of Opaoa River water they are seeking is within the MEP regime allocation. Consequently the proposal is considered consistent with the NPSFW.



8.3 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.

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

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

The natural character of the Opaoa River is maintained under the MEP water allocation regime.

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

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

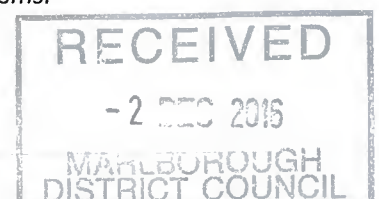
Objective 7.1.9 – Provision for Activities - To enable present and future generations to provide for their wellbeing by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.

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

Policy 7.2.3 – Allocation of Water

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

(b) *Include the following principles into water allocation mechanisms:*



- *sustainable management;*
- *equitable allocation;*
- *avoid, remedy or mitigate adverse effects;*
- *minimise conflicts between users; and*
- *ensure efficient and beneficial use.*

This application seeks to abstract and use water in a manner consistent with these objectives and policies and the volume sought for abstraction is within the MDC guidelines / mechanisms for water allocation and is unlikely to result in the occurrence of adverse effects on the environment.

This proposal is therefore consistent with these objectives and policies.

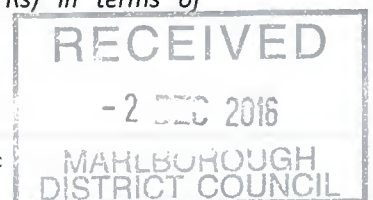
8.4 The Wairau Awatere Resource Management Plan

The Wairau Awatere Resource Management Plan (the Plan) contains objectives and policies relating to water resources.

Specifically, Chapter 6 – Fresh Water, Volume 1 of the Plan, contains the following 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.

Policy 1.1 To maintain surface water flows at levels which safeguard the life supporting capacity of the resource by setting and enforcing Sustainable Flow Regimes (SFRs) in terms of specified river flows.



Policy 1.5

To set the SFR for fresh surface waters to:

- *protect in-stream habitat and ecology.*
- *improve fish passage and spawning grounds.*
- *protect the natural character of freshwater resources.*
- *maintain water quality.*
- *protect cultural values.*
- *provide for aquifer recharge.*

The Opaoa River does not have a SFR in place. However it is understood there is water available to be allocated and this proposal falls within that allocation maximum. Therefore the proposal is consistent with the above objective and supporting policies.

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.

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

Objective 6.4.1.1

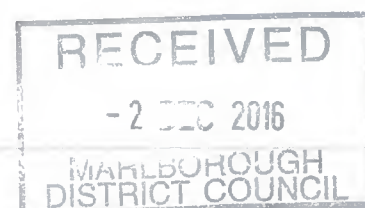
To establish an efficient resource use regime and support sustainable management of the freshwater resource.

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.



Policy 1.3 To encourage water storage in water short areas, for use during low flow and level periods, by exempting water retained in storage from any conditions on use, and when flows are high allowing water to be drawn off for storage purposes.

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

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

8.5 Proposed Marlborough Environment Plan

The proposed Marlborough Environment Plan includes the following relevant provisions.

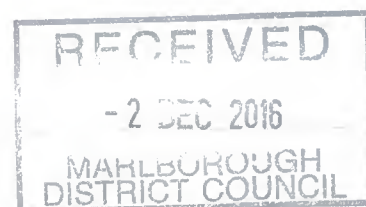
Chapter 4 – Use of Natural and Physical Resources

Objective 4.1 – Marlborough’s primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.

Policy 4.1.1 – Recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.

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

Policy 4.1.3 – Maintain and enhance the quality of natural resources.



Chapter 5 – Allocation of Public Resources

Objective 5.2 - Safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and/or levels for the natural and human use values supported by waterbodies.

Policy 5.2.13 - Limit the total amount of water available to be taken from any freshwater management unit and avoid allocating water (through the resource consent process) beyond the limit set.

Objective 5.3 - Enable access to reliable supplies of freshwater.

Policy 5.3.6 - Allocate water within any class on a first-in, first-served basis through the resource consent process until the allocation limit is reached for the first time.

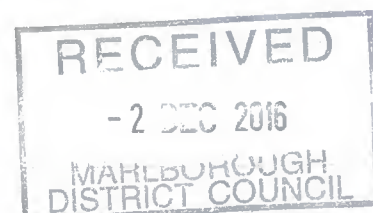
Policy 5.3.7 - Allocate water to irrigation users on the basis of a nine in ten year water demand for the crop/pasture.

Policy 5.3.11 - Have regard to the potential for any take of water to adversely affect the ability of an existing water user to continue taking water and mitigate any adverse effects by limiting, where necessary, the instantaneous rate of take.

Objective 5.7 - The allocation and use of water do not exceed the rate or volume required for any given water use.

Policy 5.7.2 - To allocate water on the basis of reasonable demand given the intended use.

The viticulture 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 Opaoa River allocation and is therefore considered consistent with the objectives and policies of the Proposed Marlborough Environment Plan.



9 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 is to be carried out by the consent holder by way of compliance with the conditions of consent and the meter of water use by way of telemetry.

10 Conclusion

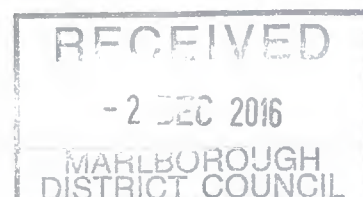
Riverlands Viticulture Limited is seeking resource consent for the following specific activities:

- Water Permit – Take Surface Water
 - *To abstract Opaoa River FMU water up to a maximum rate of 136,174 m³/year from an intake located adjacent to Pt Lot 22 DEEDS 16 for the following uses.*
- Water Permit – Use Water
 - *To use Opaoa River FMU water for the irrigation of up to 65.5 ha of vineyard located on Lots 1 and 2 DP 11610 & Lot 2 DP 10857.*

The water will be used up to the maximum monthly rate (cubic metres per month) set out in the table below:

	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>
<i>m³</i>	<i>1310</i>	<i>22925</i>	<i>37335</i>	<i>39300</i>	<i>33405</i>	<i>21615</i>	<i>7205</i>

The maximum cumulative annual usage will not exceed 136,174 cubic metres.

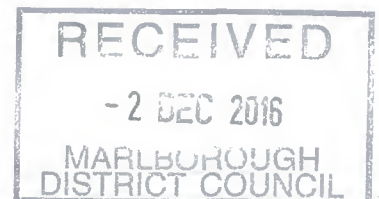


- *To use Opaoa River FMU water for miscellaneous use outside of the irrigation season at a maximum rate of 1441 m³/day and 6550 m³/non irrigation season.*

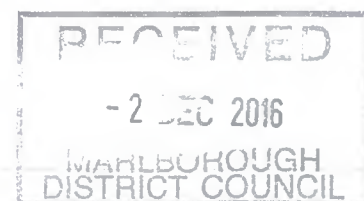
Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

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, the Wairau Awatere Resource Management Plan, and the Proposed Marlborough Environment Plan.

Accordingly resource consent should be granted to this proposal.



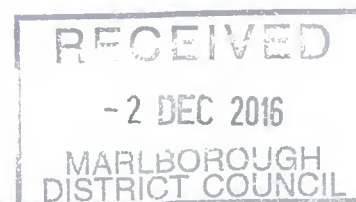
Appendix 1 – Location Plan



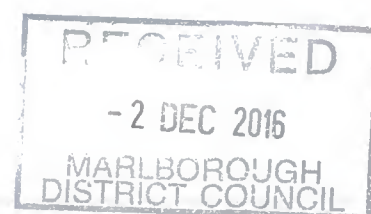
Appendix 2 – Site Plan



Appendix 3 – Irrigation Requirements



Appendix 4 – Title Documents



Appendix 2 - Site Plan

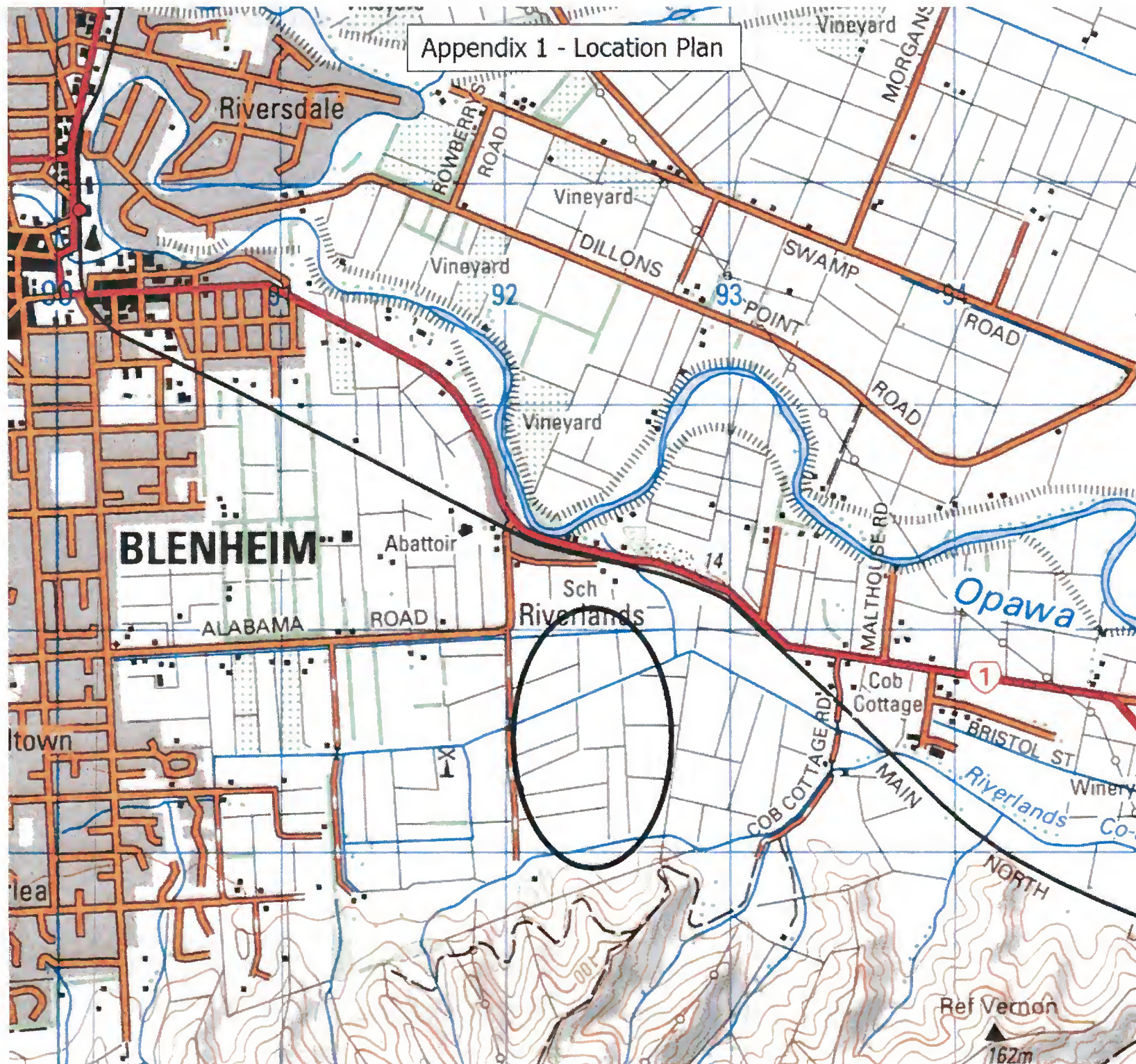


RECEIVED

- 2 DEC 2016

MARLBOROUGH
DISTRICT COUNCIL

Appendix 1 - Location Plan



RECEIVED
- 2 DEC 2016
MARLBOROUGH
DISTRICT COUNCIL



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier MB6B/745
Land Registration District Marlborough
Date Issued 24 July 2000

Prior References

MB6A/920

Estate Fee Simple
Area 19.7550 hectares more or less
Legal Description Lot 1 Deposited Plan 11610

Proprietors

Riverlands Viticulture Limited

Interests

Subject to drainage rights in gross over the part herein (now) marked C on DP 11610 to The Blenheim Borough Council created by Deeds 9319 and 11725 (DR 7/138 and 10/483).

198689.2 Easement Certificate specifying the following easements - 16.7.1998 at 9.30 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 2 Deposited Plan 10857 - CT MB6B/746	A DP 10857	Lot 1 Deposited Plan 11610 - herein	
Right of way and Right to Convey Water	Lot 2 Deposited Plan 10857	B C & D DP 10857	Lot 1 Deposited Plan 11610 - herein	
Convey water	Lot 1 Deposited Plan 11610 - herein	B DP 11610	Lot 2 Deposited Plan 10857	

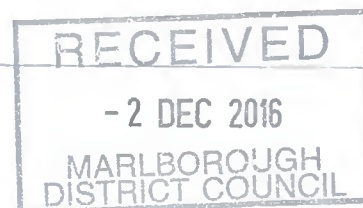
The easements specified in Easement Certificate 198689.2 when created will be subject to Section 243 (a) Resource Management Act 1991.

198689.3 Consent Notice pursuant to Section 221 (1) Resource Management Act 1991 - 16.7.1998 at 9.30 am

213069.2 Consent Notice pursuant to Section 221 (1) Resource Management Act 1991 - 24.7.2000 at 1.00 pm

10565909.2 Mortgage to ANZ Bank New Zealand Limited - 19.9.2016 at 2:23 pm

Appurtenant hereto is a right to convey water created by Easement Instrument 10570804.1 - 20.10.2016 at 3:20 pm





A JBEY'S SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND

LOTS 1-2 BEING SBDN OF LOT 1 DP 10857
& EASEMENT OVER LOT 2 DP 10857

TERRITORIAL AUTHORITY Marlborough District
Surveyed by Ayson & Partners
Scale 1:4000 Date Aug 1999

8893
for Registrar-General of Land

File 22 AUG 1996
Received 22.9.96
DP 11610 T

Approved Cf 96/7

MARLBOROUGH
DISTRICT COUNCIL

-2 DEC 2016

RECEIVED



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier MB6B/746
Land Registration District Marlborough
Date Issued 24 July 2000

Prior References

MB6A/920 MB6A/921

Estate Fee Simple
Area 64.6500 hectares more or less
Legal Description Lot 2 Deposited Plan 10857 and Lot 2
Deposited Plan 11610

Proprietors

Peter Francis McCormick

Interests

Subject to drainage rights in gross over the part Lot 2 herein (now) marked D on DP 11610 and the part Lot 2 herein marked C on DP 10857 to The Mayor, Councillors and Citizens of the Borough of Blenheim created by Deeds 9319 (DR 7/138) and 11725 (DR 10/483)

Subject to Section 241 (2) Resource Management Act 1991 (affects DP 11610)

198689.2 Easement Certificate specifying the following easements - 16.7.1998 at 9.30 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way & Right to Convey Water	Lot 2 Deposited Plan 10857 - herein	B C & D DP 10857	Lot 1 Deposited Plan 11610 - CT MB6B/745	
Right of way & Right to Convey Water	Lot 2 Deposited Plan 10857 - herein	B C & D DP 10857	Lot 2 Deposited Plan 11610	
Right of way	Lot 2 Deposited Plan 10857 - herein	A DP 10857	Lot 1 Deposited Plan 11610	
Right of way	Lot 2 Deposited Plan 10857 - herein	A DP 10857	Lot 2 Deposited Plan 11610	
Convey water	Lot 1 Deposited Plan 11610	B DP 11610	Lot 2 Deposited Plan 10857 - herein	

The easements specified in Easement Certificate 198689.2 when created will be subject to Section 243 (a) Resource Management Act 1991

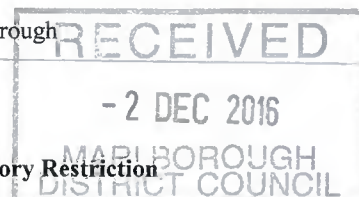
198689.3 Consent Notice pursuant to Section 221 (1) Resource Management Act 1991 by The Marlborough District Council - 16.7.1998 at 9.30 am (affects Lot 2 DP 11610)

201213.2 Mortgage to ASB Bank Limited - 26.11.1998 at 9.40 am

213069.4 Transfer creating the following easements in gross - 24.7.2000 at 1.00 pm

Type	Servient Tenement	Easement Area	Grantee
Right of way	Lot 2 Deposited Plan 10857 - herein	A DP 11610	The Marlborough District Council

Statutory Restriction

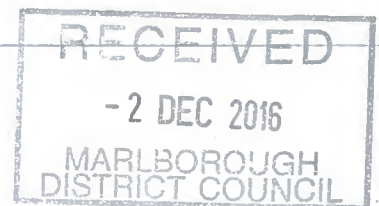


Identifier**MB6B/746**

213069.5 Esplanade Strip pursuant to Section 232 Resource Management Act 1991 - 24.7.2000 at 1.00 pm (affects Lot 2 DP 11610)

216071.1 Transfer creating the following easements in gross - 24.1.2001 at 9.36 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Electricity	Lot 2 Deposited Plan 10857 - herein	A & B DP 12073	Marlborough Lines Limited	



Transaction Id

Client Reference 36226.001

Search Copy Dated 23/11/16 8:22 am, Page 2 of 4

Register Only

Identifier

MB6B/746

Approvals

[Signature]
P. F. MCCORMICK
Registered Surveyor

CT Allocation

LOT 1: 6B/745
LOT 2 (to Lot 1 DP 10857): 6B/746

MEMORANDUM OF EASEMENTS IN CROSS

PURPOSE	SECTION	SERV. TEN.	DOW. TEN.	DATE
RIGHT OF WAY	A	LOT 2 DP 10857		1/1/1999

EXISTING EASEMENTS - See Diagram 2

PURPOSE	SECTION	SERV. TEN.	DOW. TEN.	DATE
WATER	U	LOT 1		1/1/1999

PASTING EASEMENTS IN CROSS - See Diagram 2

PURPOSE	SECTION	SERV. TEN.	DOW. TEN.	DATE
WATER	C	LOT 1		1/1/1999
WATER	J	LOT 2		1/1/1999

For Local Authority Consent see Doc 207418

Total Area 42.202 ha

Comprise in CT 6A/920
CT 6A/921 Easement only

I, *[Signature]* Registered Surveyor and holder of an official practising certificate (in who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my direction, that the plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at *[Location]* this *[Date]* day of *[Month]* 1999

[Signature]
First Book 1532 p. 34 Traverse Book 8A p. 10
Reference Plans

Examined per A.C. *[Signature]* General E. Schuchman 15/10/99

Approved as to Survey *[Signature]*
28/10/1999 Chief Surveyor

Deposited this 24th day of July 1999

88931 for Registrar-General of Land

For 20 AUG 1998
Received 22.9.99
P. F. MCCORMICK

DP11610 T

Approved CT 98/7

LAND DISTRICT Marlborough
SURVEY DIST. Taylor Pass
SURVEY BLK. IV

LOTS 1-2 BEING SBDN OF LOT 1 DP 10857
& EASEMENT OVER LOT 2 DP 10857

TERRITORIAL AUTHORITY Marlborough District
Surveyed by Ayson & Partners
Scale 1:4000 Date Aug 1999

A. J. BEVAN, SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND

Transaction Id 36226.001
Client Reference

Search Copy Dated 23/7/16 8:22 am, Page 3 of 4
Register Only

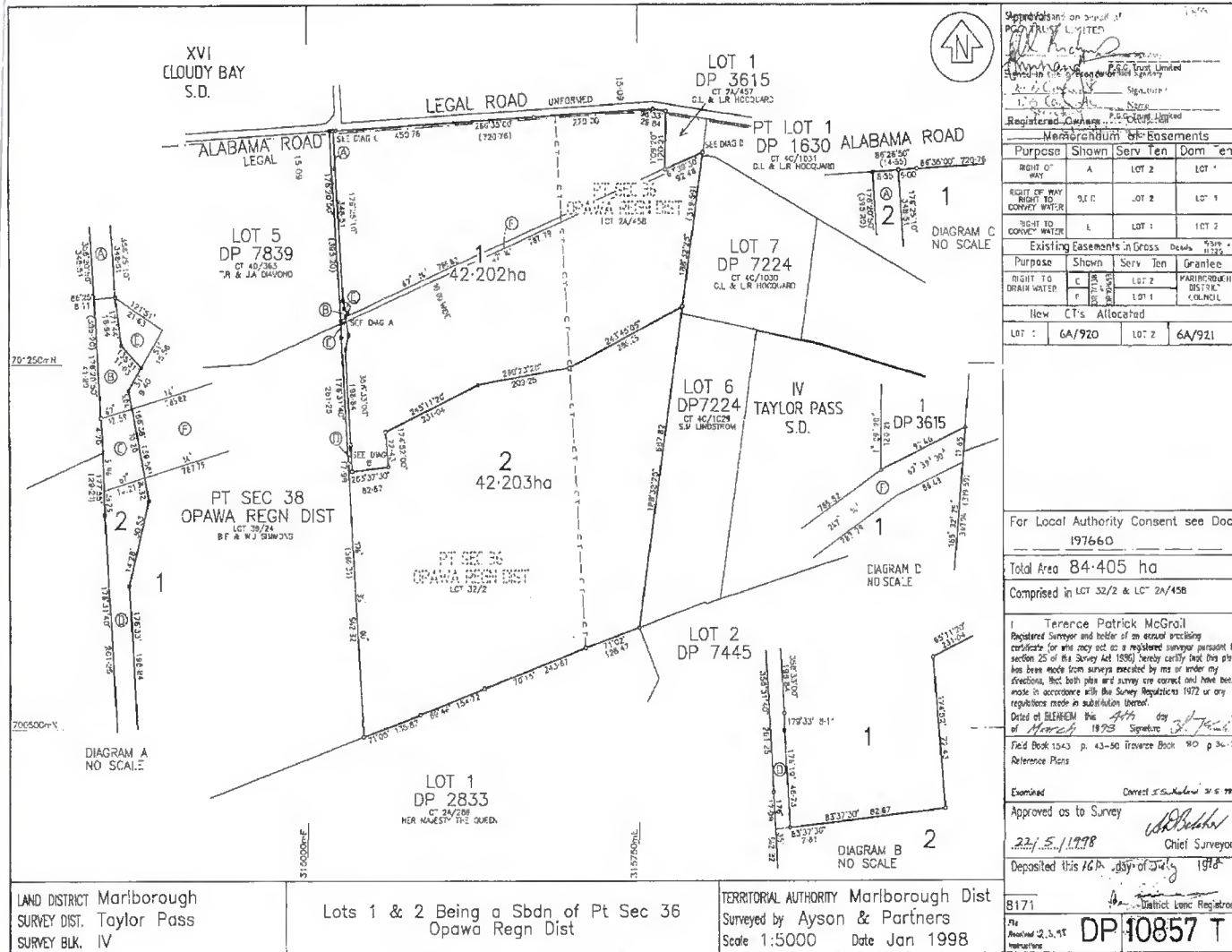
RECEIVED

- 2 DEC 2016

MARLBOROUGH DISTRICT COUNCIL

Identifier

MB6B/746



LAND DISTRICT Marlborough
SURVEY DIST. Taylor Pass
SURVEY BLK. IV

Lots 1 & 2 Being a Sbdn of Pt Sec 36
Opawa Regn Dist

TERRITORIAL AUTHORITY Marlborough Dist
Surveyed by Ayson & Partners
Scale 1:5000 Date Jan 1998

ALJEBEN: SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND

RECEIVED

- 2 DEC 2016

MARLBOROUGH DISTRICT COUNCIL

Search Copy Dated 23/11/16 8:22 am, Page 4 of 4

Register Only

Transaction Id 36226.001
Client Reference

To: Marlborough District Council
PO Box 443
Blenheim 7240

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full	<hr/>		
Address for Service <i>(include post code)</i>	<hr/>		
	<hr/>		
	<hr/>		
Email	<hr/>		
Telephone <i>(day)</i>	Mobile	Facsimile	
Contact Person <i>(name and designation, if applicable)</i>	<hr/>		
	<hr/>		

2. Application Details

Application Number	<hr/> U
Name of Applicant <i>(state full name)</i>	<hr/>
Application Site Address	<hr/>
Description of Proposal	<hr/>
	<hr/>
	<hr/>

3. Submission Details *(please tick one)*

I/we support all or part of the application	<input type="checkbox"/>
I/we oppose all or part of the application	<input type="checkbox"/>
I/we are neutral to all or part of the application	<input type="checkbox"/>

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.